



**Department of
Education**

Chancellor Richard A. Carranza

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Citywide Behavioral Expectations

To Support Student Learning

Grades 6–12

~~Student Intervention~~ and Discipline Code
and ~~Student~~ Bill of ~~Student~~ Rights and Responsibilities

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It is the policy of the New York City Department of Education to provide equal educational opportunities without regard to actual or perceived race, color, religion, age, creed, ethnicity, national origin, alienage, citizenship/**immigration** status, disability, age, sexual orientation, gender (sex), gender identity, gender expression, or weight. It is also the policy of the **NYCDOE** to maintain an environment free of harassment on the basis of any of these grounds, including sexual harassment.

Inquiries regarding compliance with the anti-discrimination policy may be directed to:
NYCDOE Office of Equal Opportunity, 65 Court Street, Brooklyn, New York 11201, (718) 935-3320.

MISSION STATEMENT

Adopted July 2015

The New York City Mayor's Office, **New York City** Department of Education, and New York City Police Department believe the City's schools must foster environments most conducive to learning. We believe all children deserve such environments and that all children have the potential to learn and succeed. That means, first and foremost, that our schools must be safe. It also means that in keeping them safe, we must preserve their essential character as places of learning **while serving the needs of the whole child.**

New York City believes that overly punitive methods of discipline are not in the best interests of students, fail to advance school safety, and can harm students' long-term potential. Research has shown that students facing disciplinary measures, and the schools they attend, are better served by providing positive supports that teach students the social, emotional, and behavioral skills necessary to participate and learn. Therefore, New York City will train school personnel and safety personnel in research-driven best practices on how to provide these supports, including providing enhanced support to students with special needs or those suffering from trauma due to exposure to poverty or violence. Recognizing that some schools will need additional resources as well as training, New York City will provide the staffing support needed to implement progressive forms of discipline in particularly high-need schools. We will build on local and national models to simultaneously improve school climate and safety. In this way, New York City will reduce the use of suspensions as a disciplinary tool and will eliminate the use of summonses and arrests for minor school misbehavior while continuing to advance school safety.

New York City does not tolerate discrimination and will use every tool to eliminate inconsistencies and disparities in the discipline of students based on **actual or perceived race, color, religion, age, creed, ethnicity, national origin, alienage, citizenship/immigration status, disability, age, sexual orientation, gender (sex), gender identity, gender expression, or weight.** ~~actual or perceived race, color, creed, ethnicity, national origin, citizenship/immigration status, religion, age, gender (sex), gender identity, gender expression, sexual orientation, disability, or weight.~~

CITYWIDE STANDARDS OF INTERVENTION AND DISCIPLINE MEASURES BEHAVIORAL EXPECTATIONS TO SUPPORT STUDENT LEARNING

The New York City Department of Education (NYCDOE) is committed to ensuring that our schools are safe, secure, and orderly environments in which teaching and learning take place each day. A safe and supportive school depends upon the efforts of all members of the school community—teachers, students, administrators, parents, counselors, social workers, safety personnel, related service providers, cafeteria, custodial, and bus staff—to treat one another with mutual respect.

Included in this document is the *Student Bill of Rights and Responsibilities* which promotes responsible student behavior and an atmosphere of dignity and respect by establishing guidelines to help students ~~as they~~ strive to become productive citizens in a diverse society.

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Standards of Behavior

All members of the school community—students, staff, and parents—must know and understand the standards of behavior that all students are expected to live up to and the ~~consequences~~ responses if these standards are not met.

The Citywide Behavioral Expectations ~~To~~ Support Student Learning (including the Discipline Code) provides a description of conduct that ~~does not~~ meets the standards of behavior expected of students and also outlines conduct that does not meet the standards expected of in the New York City public school students. It includes a range of supports and interventions and a range of permissible disciplinary ~~measures~~ responses that schools may use to address misbehavior.

These ~~Discipline Code~~ Citywide Behavioral Expectations apply applies to all students in New York City Department of Education schools.

Propose to move the following sections so the pages will read in this new order after page 3: pages 4-7, 38-41, 8, 17-18, 10-16, 19-25, 9, 26-37.

- As student dignity, respect, and responsible behavior are integral to safe and supportive schools, we would move the “K-12 Student Bill of Rights and Responsibilities” section (currently on p. 38-41 at the end of this document) to an earlier section, specifically after the “Promoting Positive Student Behavior” section (currently on p. 6-7).
- Move “Progressive Infraction Levels” section (currently on p. 9), which serves as an introduction to the Infractions pages, to just before the “Discipline Code Infractions: Grades 6-12” section (which begins on p. 26).
- Move “Progressive Ladder of Support and Disciplinary Responses” section (currently p. 17-18) to an earlier section in this document (specifically after the “Progressive Discipline” section, currently on p. 8)

BEHAVIORAL EXPECTATIONS INTRODUCTION

The manner in which students conduct themselves in school is a major factor in establishing and maintaining a safe and respectful school community. To promote positive student behavior, all members of the school community—students, staff, and parents—must know and understand the standards of behavior ~~that~~ ~~which~~ all students are expected to live up to, the supports and interventions that will be used to address misconduct, and the disciplinary ~~consequences~~ ~~responses~~ if behavioral standards are not met.

It is essential that schools set aside time to review with students ~~these standards of behavior, this code,~~ the Student Bill of ~~Student~~ Rights and Responsibilities, and the NYCDOE [Internet Acceptable Use and Safety Policy \(IAUSP\)](https://www.schools.nyc.gov/school-life/policies-for-all/internet-acceptable-use-policy) (<https://www.schools.nyc.gov/school-life/policies-for-all/internet-acceptable-use-policy>). This review should be age appropriate so that all students know and understand the behavior expected of them when they are in school, including when they are accessing and using the NYCDOE's ~~Department's~~ internet systems, regardless of their physical location. This ~~adjustment~~ is especially important when working with children in the early childhood grades, given their developmental capacity to understand behavior and ~~consequences~~ ~~responses~~. All students, regardless of age, should be engaged in discussion of the school community's expectations and should be active participants in creating classroom "ground rules" for their behavior.

Equally imperative, all school faculty and staff must affirm clear and consistent behavioral expectations that set the tone for a safe, orderly, and respectful school community. School faculty and staff must be firm, fair, and consistent in addressing student behavior in a manner ~~which~~ enables students to learn from their mistakes and be accountable for their misconduct.

PARENTS* AS PARTNERS

Students, parents, and school personnel all have a role in making schools safe and must cooperate with one another to achieve this goal. School staff should keep parents informed of their child's behavior and enlist parents as partners in addressing areas of concern. Outreach to parents can include, but is not limited to, a phone call, an in-person conference, and/or a written communication. ~~As role models, parents and school staff should exhibit the behaviors that they would like to see students emulate.~~ To ensure that parents are able to become active and involved partners in promoting a safe and supportive school environment, they ~~must be should become~~ familiar with the Discipline Code. ~~Here are the supports that schools are recommended to provide:~~

- School officials are responsible for sharing the information in this document with students, parents, and staff. Schools are encouraged to provide workshops for parents on understanding the Code and how best to work with the school to support their child's social emotional growth.
- Educators are responsible for informing parents about their child's behavior and for nurturing the skills students need to succeed in school and in society. Parents are encouraged to discuss with their child's teacher and other school staff issues that may affect student behavior and strategies that might be effective in working with the student.

It is important that there is meaningful consultation and communication between the school and the home. Schools must arrange for interpretation and translation services, if necessary, to communicate with a parent. Guidance conferences attended by the principal or ~~his/her~~ their designee, a school counselor, the student's parent(s), and one or more of the student's teachers are an effective means of encouraging parental input and should be held with students when appropriate.

Parents who want to discuss supports and interventions in response to student behavior should contact their child's school, including the Parent Coordinator, or, if necessary, the Office of Family Advocacy and Community Engagement.

In the event ~~that~~ a student engages in inappropriate behavior that violates the **Discipline Code**, the principal or principal's designee must report the behavior to the student's parent. When a student is believed to have committed a crime, the police must be notified and the parent must be contacted. See Chancellor's [Regulation A-412](https://www.schools.nyc.gov/school-life/policies-for-all/chancellors-regulations/volume-a-regulations) (<https://www.schools.nyc.gov/school-life/policies-for-all/chancellors-regulations/volume-a-regulations>).

Attendance

Attendance at school is vital to a student's academic progress and success. School personnel must ensure that appropriate outreach, intervention, and support are provided for students with patterns of absences.

The school's Attendance or Pupil Personnel Committee should review cases of chronic absenteeism, absenteeism, and/or truancy and should involve attendance teachers, deans, guidance counselors, teachers, social workers, and other school staff in facilitating a resolution.

School personnel must meet with the student and parent in order to determine needed supports and an appropriate course of action which may include, but is not limited to: guidance intervention, family conferences, referral for counseling, changes in academic program, contracts, and/or referral to tutoring or after-school programs. A range of Preventive Service Models (<https://www1.nyc.gov/site/acs/child-welfare/preventive-services.page>) are offered by community-based organizations contracted by the Administration for Children's Services (<https://www1.nyc.gov/site/acs/about/about.page>). Being familiar with these options helps families and schools understand how a preventive service might be useful in addressing the cause of absence.

Schools are also responsible for developing and publishing a set of attendance policies which define which absences (or lateness) are considered excused and what documentation is required, as well as the benefits of reaching attendance standards, and the responses for absences, lateness, and cutting. For more information, see Chancellor's Regulation A-210 (<https://www.schools.nyc.gov/school-life/policies-for-all/chancellors-regulations/volume-a-regulations>).

~~*Whenever used in this document, the term "parent" means the student's parent(s) or guardian(s) or any person(s) in a parental or custodial relationship to the student, or the student, if she/he is an emancipated minor or has reached 18 years of age.~~

*In this document, "parent" refers to the child's parent or guardian or any person in a parental or custodial relationship to the child. This includes: birth or adoptive parent, stepparent, legally-appointed guardian, foster parent, and "person in parental relation" to a child attending school. "Person in parental relation" refers to a person who has assumed the care of a child because the child's parents or guardians are not available, whether due to, among other things, death, imprisonment, mental illness, living outside the state, or abandonment of the child.

CREATING SAFE, SUPPORTIVE AND INCLUSIVE SCHOOLS

PROMOTING POSITIVE STUDENT BEHAVIOR

School culture and climate have a profound impact upon students' academic progress and their relationships with peers and adults. Each school is expected to promote a positive school culture that provides students with a supportive environment in which to grow both socially and academically.

Schools are expected to take a proactive role in nurturing students' pro-social behavior. Social emotional learning must be a basic component of a school's program of universal prevention for all students. Effective social emotional learning helps students develop fundamental life skills, including:



When students develop these skills, they experience more positive relationships with peers, engage in more positive social behaviors, and are less likely to engage in misconduct.

Establishing a schoolwide **multi-tiered framework system of behavioral supports and interventions (MTSS)** is essential to **ensuring that the right supports are in place and that schools are implementing progressive discipline. MTSS is a comprehensive system that screens all students and provides targeted interventions, as needed.** The goal of **behavioral** supports is to foster resiliency, ~~help students understand and follow school rules,~~ and support them in developing the **pro-social** skills they need to ~~meet behavioral expectations~~ **succeed in the classroom and beyond.**

School staff members are also responsible for addressing inappropriate student behaviors that disrupt learning. Administrators, teachers, counselors, and other school staff are expected to engage all students in intervention and prevention strategies that address a student's behavioral issues and discuss these strategies with the student and their **his/her** parent(s). **For further information regarding behavioral crisis de-escalation and intervention, please see [Chancellor's Regulation A-411](https://www.schools.nyc.gov/school-life/policies-for-all/chancellors-regulations/volume-a-regulations) (https://www.schools.nyc.gov/school-life/policies-for-all/chancellors-regulations/volume-a-regulations).**

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PROMOTING POSITIVE STUDENT BEHAVIOR, CONTINUED

Intervention and prevention strategies include, but are not limited to:

- ~~support and services to address personal and family circumstances;~~
- ~~social emotional learning;~~
- ~~conflict resolution;~~
- ~~peer mediation;~~
- ~~collaborative negotiation;~~
- ~~restorative practices (e.g., circles, formal restorative conferences);~~
- ~~anger management;~~
- ~~stress management;~~
- ~~collaborative problem solving;~~
- ~~communication skills acquisition;~~
- ~~the use of alternate instructional materials, and/or methods; enrichment services and/or~~
- ~~development or review of functional behavioral assessments and behavioral intervention plans, which should be developed and/or reviewed as an early intervention strategy.~~

If, at any time, school officials suspect that a student's difficulties may be the result of a disability which may require special education services, the student should be **immediately** referred ~~immediately~~ to [the Committees on Special Education \(CSE\)](https://www.schools.nyc.gov/special-education/help/committees-on-special-education) (<https://www.schools.nyc.gov/special-education/help/committees-on-special-education>). For additional protections for students with disabilities, see also pages 19–20.

~~Through the use of supports and intervention strategies that engage students and give them a clear sense of purpose, school staff members facilitate students' academic and social emotional growth and assist them in following school rules and policies.~~

~~Equally important, student~~ Student engagement is integral to creating a positive school culture that fosters students' social emotional growth and academic achievement. Providing students with multiple opportunities to participate in a wide range of pro-social activities and, at the same time, bond with caring, supportive adults can help prevent negative behaviors. Examples can include:

- meaningful opportunities to share ideas and concerns and participate in schoolwide initiatives (e.g., student government, regularly held student forums; schoolwide community service projects, etc.);
- student leadership development;
- co-curricular after-school activities (e.g., student clubs, including sports-related clubs **and teams**; service organizations; ~~team sports~~; etc.);
- periodic recognition of students' achievements in a wide range of academic and co-curricular areas;

Such opportunities, coupled with a comprehensive program of prevention and intervention supports **services**, provide students with the experiences, strategies, skills, and support they need to thrive.

As student dignity, respect, and responsible behavior are integral to safe and supportive schools, we would move the "K-12 Student Bill of Rights and Responsibilities" section (currently on p. 38-41 at the end of this document) on the next page (just after this "Promoting Positive Student Behavior" section here on p. 6-7).

Progressive Discipline PROGRESSIVE DISCIPLINE

Understanding discipline as a “teachable moment” is fundamental to a positive approach to discipline.

Progressive discipline uses incremental interventions to address inappropriate behavior with the **ultimate** goal of teaching pro-social behavior. Progressive discipline does not seek punishment. Instead, **progressive discipline seeks concurrent accountability and positive behavioral change.**

~~The goal of progressive discipline is prevention of a recurrence of negative behavior by helping students learn from their mistakes. Essential to the implementation of progressive discipline is assisting students who have engaged in unacceptable behavior to:~~ Progressive discipline prevents a recurrence of negative behavior by helping students learn from their mistakes. Assisting students who have engaged in negative behavior is essential to implementing progressive discipline. The goals are for students to:

- understand why the behavior is **not aligned with behavior standards unacceptable** and the harm it has caused;
- understand what they could have done differently in the same situation;
- take responsibility for their actions;
- be given the opportunity to learn pro-social strategies and skills to use in the future; and
- understand the progression of more stringent **consequences responses** if the behavior reoccurs.

Every reasonable effort must be made to correct student behavior through counseling and other school-based interventions such as restorative practices. Supports and interventions are essential because inappropriate behavior or violations of the Discipline Code may be symptomatic of more serious problems that students are experiencing. It is, therefore, important that school personnel be sensitive to issues that may influence the behavior of students and respond in a manner that is most supportive of their needs.

Appropriate disciplinary responses should emphasize prevention and effective intervention, foster resiliency, prevent disruption to students’ education, and promote positive school culture. When a student’s misconduct results in a placement out of the classroom, the school should consider, where appropriate, using ~~peer mediation or~~ the restorative **re-entry** circle process (see pages 13–14 for more information) as an effective strategy to support a successful return to the student’s regular program.

For students with disabilities whose behavior impedes the student’s participation in school, a functional behavioral assessment (FBA) is an essential tool to understand the causes of the student’s behavior. A behavioral intervention plan (BIP) after an FBA provides specific approaches to address the student’s behavior.

Determining the Disciplinary Response

School officials must consult ~~this document (the Discipline Code)~~ when determining which disciplinary measure to impose. In determining how to best address inappropriate conduct, it is necessary to evaluate the totality of the circumstances surrounding the conduct. The following facts **must** be considered prior to determining the appropriate disciplinary measures:

- the student’s age and maturity;
- the student’s disciplinary record (including the nature of any prior misconduct, the number of prior instances of misconduct, and the disciplinary and guidance intervention measures applied for each);
- the nature, severity, and scope of the behavior;
- the circumstances/context in which the conduct occurred;
- the frequency and duration of the behavior;
- the number of persons involved in the behavior;
- the social emotional status/needs of all persons involved in the behavior; **and**
- the student’s IEP (Individualized Education Plan), BIP (Behavioral Intervention Plan), and/or 504 Accommodation Plan, if applicable.

Supports and interventions are an integral part of a comprehensive response to behavior.

Move the “Progressive Ladder of Support and Disciplinary Responses” section (currently p. 17-18) just after this page (“Progressive Discipline” section on p. 8) to serve as a preview and brief table of contents for the detailed sections (i.e. the “Supports and Interventions” section) that would come after it.

Move this “Progressive Infraction Levels” section (p. 9), which serves as an introduction to the Infractions pages, to just before the “Discipline Code Infractions: Grades 6-12” section (which begins on p. 26).

PROGRESSIVE INFRACTION LEVELS DISCIPLINE

The Citywide Behavioral Expectations to Support Student Learning holds students accountable for their behavior. Infractions are grouped into five levels based on the severity of the infraction. Whenever possible and appropriate, the response to misconduct should begin with the lowest level of disciplinary response and should include appropriate supports and intervention(s).

Progressive Infraction Levels: Infractions are grouped into five levels based on the severity of the infraction. See pages 26-37 for more information.

- **Level 1** — Uncooperative/Noncompliant Behavior
- **Level 2** — Disorderly Behavior
- **Level 3** — Disruptive Behavior
- **Level 4** — Aggressive or Injurious/ Harmful Behavior
- **Level 5** — Seriously Dangerous or Violent Behavior

Each level of infractions provides a set of possible supports and interventions as well as a ~~minimum to a maximum~~ range of possible disciplinary responses that may be imposed by a teacher, principal, the ~~Chief Executive Officer~~ ~~Senior Executive Director~~ of the Office of Safety and Youth Development, or other designee of the Chancellor or the Community Superintendent.

Principals, teachers, school staff, students, and parents need to know the disciplinary measures that can be taken when a student misbehaves or substantially disrupts a classroom. The Discipline Code is divided into two sections—Section A: Grades K–5 and Section B: Grades 6–12—to ensure that the age and general maturity of the student are considered. Some infractions may not apply to students in grades K–3. ~~Schools should account for the developmental age of the student when determining whether a student has engaged in misbehavior covered by the Discipline Code. In determining whether a student has engaged in misbehavior covered by the Discipline Code, schools should account for the developmental age of the student.~~ Schools should account for the developmental age of the student when determining whether a student has engaged in misbehavior covered by the Discipline Code.

The enumerated infractions are not all-inclusive. Students who engage in misconduct that ~~which~~ is not listed in the Discipline Code are subject to appropriate disciplinary measures by the teacher, principal, or the ~~Chief Executive Officer~~ ~~Senior Executive Director~~ of the Office of Safety and Youth Development or other designee of the Chancellor or the Community Superintendent. ~~This is~~ based on the violation of school rules and ~~it keeps in keeping~~ with the standards for addressing inappropriate behavior by students in grades K–12 as illustrated herein. To ensure that staff, students, and parents are aware of all expected standards of behavior, school rules must be in writing and available to all students and communicated in a grade-appropriate manner.

The Discipline Code provides graduated accountability measures for students who engage in repeated misbehaviors despite prior interventions and/or prior imposition of appropriate disciplinary measures.

More severe accountability measures will be ~~imposed on~~ ~~used for~~ those students who engage in a pattern of persistent misconduct. Whenever possible and appropriate, prior to ~~imposing~~ ~~using~~ such penalties, school officials should exhaust less severe disciplinary responses in conjunction with supports and interventions.

Where and When the Discipline Code Applies

The standards set forth in the Discipline Code apply to behavior:

- in school during school hours;
- before and after school, while on school property;
- while traveling on vehicles funded by the NYCDOE;
- at all school-sponsored events; and
- on other-than-school property when such behavior can be demonstrated to negatively affect the educational process or to endanger the health, safety, morals, or welfare of the school community.

When misbehavior involves communication, gestures, or expressive behavior, the infraction applies to oral, written, or electronic communications, including but not limited to texting, e-mailing, and social networking.

SUPPORTS AND INTERVENTIONS

To promote positive behavior, schools provide a range of prevention and intervention supports **services** for students during and/or after school hours throughout the school year. When a student engages in misconduct, **the student should be provided with the appropriate supports and the non-exhaustive list of interventions (see pages 10-12) that address must be considered based on** the type of behavior in which a student has engaged. Supports and interventions are an integral part of a comprehensive response to misconduct. **Schools are required to provide and document supports services at all stages of the disciplinary process, including during suspension.** When used consistently and appropriately, interventions help improve student behavior, lower the incidence of repeated misbehavior, and contribute to a more positive school environment. Supports **services** may include any of the interventions or a combination of **services supports** that best meet the needs of the individual student.

Required Documentation

~~All interventions and supports provided to a student in response to behavioral incidents **must be entered into the Suspensions and Office of Hearings Online (SOHO) system**, regardless of whether or not a disciplinary action is imposed.~~

All incidents, interventions, and supports must be documented in the Online Occurrence Reporting System (OORS) for all parties involved, where appropriate, regardless of whether or not a disciplinary response is imposed. For more information about incident reporting, please see [Chancellor's Regulation A-412 \(https://www.schools.nyc.gov/school-life/policies-for-all/chancellors-regulations/volume-a-regulations\)](https://www.schools.nyc.gov/school-life/policies-for-all/chancellors-regulations/volume-a-regulations).

All disciplinary responses must be reported in the Suspensions and Office of Hearings Online (SOHO) system. For more information about suspension policy, please see [Chancellor's Regulation A-443 \(https://www.schools.nyc.gov/school-life/policies-for-all/chancellors-regulations/volume-a-regulations\)](https://www.schools.nyc.gov/school-life/policies-for-all/chancellors-regulations/volume-a-regulations).

Move this text (p. 11-12) to start on page 10, as it's a continuation of page 10. Alphabetize the terms below on p. 11-12 so that they are easier to find.

SUPPORTS AND INTERVENTIONS, CONTINUED

Examples Glossary of Supports and Interventions

- **Community Service (with Parental Consent)**
Community service allows students to develop skills and engage in real-life solutions to help communities. It holds students accountable for their behavior and allows them to make positive amends to the community in order to counter their earlier misconduct.
- **Conflict Resolution**
Conflict resolution facilitates resolutions between two or more disputants. Using the collaborative negotiation process, students actively listen and talk through an issue or conflict directly with those with whom they disagree to arrive at a mutually satisfactory resolution.
- **Parent Outreach**
School staff should keep parents informed of their child's behavior and enlist parents as partners in addressing areas of concern. Outreach to parents can include, but is not limited to, a phone call and/or written communication.
- **Short-Term Behavioral Progress Reports**
Teachers and/or principals may send behavioral progress reports to parents on a regular basis until they feel that the student is in control of ~~his/her~~ their behavior and working in the classroom successfully.
- **Guidance Conference**
Principals and teachers may request a guidance conference with the student and, where appropriate, with the parent. The purpose of the conference is to review the behavior, find solutions to the problem and address academic, personal, and social issues that might have caused or contributed to the behavior.
- **Development of Individual Behavior Contract**
The student meets with teachers to create a written contract that includes objectives and the specific performance tasks that the student will accomplish to meet those objectives. The contract is signed by the student and teacher and, where appropriate, by the parent.
- **Intervention by Counseling Staff**
Where available, school-based counseling personnel and/or School-Based Mental Health programs offer a wide range of comprehensive and confidential mental health services and interventions including, but not limited to: assessments, individual, group, and family counseling and/or therapy, teacher consultations, and educational strategies for parents and staff.
- **Referral to PPT (Pupil Personnel Team)**
Pupil Personnel Teams are school-based teams that use a multidisciplinary approach to encourage student success through prevention, ~~and~~ intervention strategies, and supports. A case manager is identified for each student referral and an individualized plan is created to help the student overcome ~~his/her~~ academic and/or other challenges.
- **Restorative Practices**
Using restorative practices to foster positive interpersonal and intergroup relations—and to address inappropriate behavior when it occurs—is a cornerstone of a progressive approach to discipline. Restorative practices include collaborative negotiation, circle process, peer mediation, conflict resolution, and formal restorative conferencing. ~~Neither mediation nor conflict resolution is, under any circumstances, an appropriate intervention for bullying or intimidation. Please see pages 13–14 for more information.~~
- **Collaborative Problem Solving**
When a student engages in challenging behavior, a trained school staff member can use the collaborative problem-solving process to identify the specific issues that are precipitating the behavior, articulate the adult concerns about the behavior, and engage the student in a collaborative process to address the underlying reasons for the behavior and decide upon a plan of action that is both realistic and mutually acceptable to both.
- **Individual/Group Counseling**
Individual counseling provides students with an outlet to ~~privately~~ share issues ~~in privacy~~ that may be negatively impacting their attendance, behavior, and/or academic success. Small-group counseling can address needs such as stress management, anger management, ~~developing effective~~ and conflict resolution and/or communication skills, etc. Students discuss and formulate goals, and learn problem-solving strategies that will enable them to ~~address/overcome~~ a variety of personal challenges. Counselors ~~will~~ ~~should~~ conference with parents on a regular basis to discuss the student's academic and personal progress.

SUPPORTS AND INTERVENTIONS, CONTINUED

Examples Glossary of Supports and Interventions, Continued

- **Individualized Support Plan (ISP)**

An Individualized Support Plan (ISP) is a written plan to support any student who has been the victim or the aggressor of bullying, harassment, intimidation, discrimination, and other aggressive behaviors. It contains, among other things, interventions and supports for the student and provisions for designated school staff to consult with the student and/or their parents, at specified times, to determine whether the behavior has ~~terminated~~ improved. It is useful in student cases warranting a more targeted approach and/or involving regular monitoring.
- **Referral to Counseling Services for Bullying, Intimidation, or Harassment, including Bias-Based Bullying, Intimidation, or Harassment**

When a student or group of students engages in bullying, including cyberbullying, intimidation, or bias-based harassment, of another student or group of students, both the target of the behavior and the student who engages in this behavior should be referred to separate appropriate counseling, support, and education services provided by school staff or a community-based agency. ~~Neither mediation nor conflict resolution is, under any circumstances, appropriate interventions for bullying, intimidation, or harassment.~~
- ~~**Referral to Counseling Services for Bias-Based Bullying, Intimidation or Harassment**~~

~~When a student or group of students engages in bias-based bullying, intimidation, or harassment of another student or group of students, both the victim and the student who engages in this behavior should be referred to separate appropriate counseling, support, and education services provided by school staff or a community-based agency. Neither mediation nor conflict resolution is, under any circumstances, appropriate interventions for bias-based bullying, intimidation, or harassment.~~
- **Referral to Counseling Services for Youth Relationship Abuse or Sexual Violence**

When a person uses a pattern of ~~threatened~~ threatening or actual physical, sexual, and/or emotional abuse to control a dating partner, the school should refer both the victim and the student who engages in this behavior to separate appropriate school or community-based agencies for counseling, support, and education services. ~~Neither mediation nor conflict resolution is, under any circumstances, appropriate interventions for suspected relationship abuse.~~
- **Mentoring Program**

Students are matched with a mentor/coach or a ~~A~~ mentoring program in order to work with ~~matches a mentor who may be~~ a counselor, teacher, student, and/or administrator ~~with a student in need of additional support. The object of this relationship is to help the student in his/her~~ for personal, academic, and social development.
- ~~**Mentor/Coach**~~

~~Assignment of a trained school staff member to provide transition support for a student returning from a Superintendent's Suspension or from a prolonged absence.~~
- **Positive Behavioral Interventions and Supports (PBIS)**

PBIS promotes school-based prevention systems to improve student behavioral outcomes by providing a multi-tiered operational framework and teaching behavioral expectations in the same manner as any core curriculum subject.
- **Referral to a Community-Based Organization (CBO)**

Students may be referred to a community-based organization for a wide range of services including, but not limited to, after-school programming, individual or group counseling, leadership development, conflict resolution, and academic tutoring.
- **Referral for Mental Health Support Services**

Students may be referred to receive services from a counseling, mental health, or mentoring agency.
- **Referral to Appropriate Substance Abuse Counseling Services**

In the case where a student is presenting problems with substance abuse, including the use, possession, or distribution of illegal drugs, drug paraphernalia, and/or alcohol, referrals should be made to either school-based counseling services or to an external agency or community-based organization.
- **Social Emotional Learning**

Equipping students with skills to manage emotions, set positive goals, show empathy for others, and establish positive relationships, social emotional learning helps students make responsible and constructive decisions.

RESTORATIVE PRACTICES

All members of a school community bring with them diverse abilities, interests, viewpoints, and family and cultural backgrounds. These differences can be a source of great energy and strength when members of the community value and respect one another. Using restorative practices to foster positive interpersonal and intergroup relations and to address inappropriate behavior when it occurs is a cornerstone of a progressive approach to discipline.

A restorative approach to discipline changes the fundamental questions that are asked when a behavioral incident occurs. Instead of asking who is to blame and how those engaged in the misbehavior will be punished, a restorative approach asks four key questions:

- What happened?
- Who was harmed or affected by the behavior?
- What needs to be done to make things right?
- How can people behave differently in the future?

Types of Restorative Practices

Circle Process: Regular use of restorative circles within the instructional program of a school is a significant prevention and intervention strategy. The circle process enables a group to build relationships, ~~and~~ establish understanding and trust, create a sense of community, learn how to make decisions together, develop agreements for the mutual good, resolve difficult issues, and address other issues as they arise.

Students are the largest group of stakeholders in a school community and its greatest ~~natural~~ resource in creating and sustaining a safe and supportive school environment. Building community among students and between students, ~~families~~, and staff members is integral to creating a supportive and inclusive school culture. When students feel accepted, valued, respected, and included, they build a positive connection to school and foster resiliency. Community building circles focus on:

- **Safety and Trust.** Community members need a sense of safety and trust to connect with one another.
- **Honor.** Members interact with fairness and integrity and acknowledge their personal responsibility for their actions.
- **Openness.** Community members feel free to share their thoughts and feelings.
- **Respect.** To bond as a community, members must feel they are valued and respected as individuals, and they must respond respectfully to one another.
- **Empowerment.** A sense of empowerment is a crucial element and a desired outcome of being a member of a community. Community support enables members to gain a new view of themselves and a new sense of confidence in their abilities.

When used as an intervention measure to address inappropriate student behavior, restorative circles empower community members to take responsibility for the well-being of others; prevent or deal with conflict before it escalates; address underlying factors that lead youth to engage in inappropriate behavior and build resiliency; increase the pro-social skills of participants, particularly those who have harmed others; and provide wrongdoers with the opportunity to be accountable to those they have harmed and enable them to repair the harm to the extent possible. A circle can also be used in response to a particular issue that affects the school community.

Collaborative Negotiation: Using the collaborative negotiation process enables an individual to talk through an issue or conflict directly with the person with whom they disagree to arrive at a mutually satisfactory resolution. Training in collaborative negotiation includes learning active listening and other conflict resolution communication skills.

RESTORATIVE PRACTICES, CONTINUED

Types of Restorative Practices, Continued

Peer Mediation: An impartial, third party mediator (in a school, a student who has been trained to serve as a peer mediator) facilitates the negotiation process between conflicting parties so they can come to a mutually satisfactory resolution. Mediation recognizes that there is validity to conflicting points of view that disputants bring to the table and helps disputants work out a solution that meets both sets of needs. Disputants must choose to use mediation and must come to the process willingly. Mediation is not used where one individual has been victimized (for example, in cases of harassment or bullying) by another.

Formal Restorative Conference: A conference is facilitated by an individual who has received specific training in bringing together individuals who have acknowledged causing harm with those who have been harmed. Regardless of the circumstances, the mental and physical health, safety, and welfare of the individual who was harmed are of paramount importance when considering this option in a school setting. Both sides may bring supporters to the circle who have also been affected by the incident. The purpose of the conference is for the harm-doer and the harmed to understand each other's perspective and come to a mutual agreement that will repair the harm as much as it is able to be repaired. A formal restorative conference may be used as an intervention in conjunction with a disciplinary response (e.g., a student participates in a formal restorative conference in conjunction with a teacher removal or a principal or superintendent's suspension) or may be used as a disciplinary intervention to address misconduct that does not require teacher removal or suspension. **This conference should not be used when there is a perceived power imbalance between participating students.**

Re-entry Circle: A re-entry circle is a process designed to formally welcome the returning student back into the school community and to establish a support system. The Circle provides a space for students to express themselves, learn to listen, and build a sense of community. This practice helps build a strong school culture that students can rely on and return to in times of trouble. In conjunction with a formal restorative conference (see definition above), a re-entry circle may be used as an intervention in conjunction with a disciplinary response (e.g., a student participates in a re-entry circle after a teacher removal or a principal's or superintendent's suspension).

ADDRESSING BULLYING AND BIAS-BASED BEHAVIOR

Each school is expected to promote a nurturing school culture that promotes positive interpersonal and intergroup relations and respect for diversity among students and between students and staff. Schools should provide providing all students with a supportive and safe environment in which to grow and thrive academically and socially. The ability of students to learn and meet high academic standards and a the school community's ability to educate its students are compromised when students engage in discrimination or harassment, bullying, or intimidating behavior toward other students.

Bullying and harassment can take many forms and includes behavior that targets students because of their actual or perceived race, color, national origin, ethnicity, citizenship/immigration status, religion, creed, disability, sexual orientation, gender, gender identity, gender expression, or weight. These behaviors pose a serious threat to all students, and it is a school's responsibility to eliminate the hostile environment created by such harassment, address its effects, and take steps to ensure that harassment does not recur. All reports of harassment, intimidation, discrimination, and/or bullying behavior will be investigated, and appropriate follow-up action will be taken. For further information, please see **Chancellor's Regulation A-832**. (<https://www.schools.nyc.gov/school-life/policies-for-all/chancellors-regulations/volume-a-regulations>).

Everyone in the school community—teachers, support staff, safety agents, cafeteria, custodial staff, bus drivers, guidance-school counselors, student support staff, students, and parents—needs to understand what bullying is and the NYCDOE rules that prohibit such behavior. Clarifying schoolwide rules that prohibit bullying and discrimination and discouraging bystander behavior (on-looking) are vitally important to helping students play a pivotal role in bullying prevention.

Integral to preventing student-to-student bullying and/or bias-based behavior is effective social emotional learning that helps students develop social-emotional core competencies. These fundamental life skills are: recognizing and managing their own emotions, developing caring and concern for others, establishing positive relationships, making responsible decisions, and handling challenging situations constructively and ethically.

Students who are able to recognize and manage their own emotions are better able to be assertive rather than aggressive or passive when they interact with their peers. Students who develop caring and concern for others and establish positive relationships are less likely to engage in bullying or discriminatory behavior. Additionally, students who have learned how to make responsible decisions and handle challenging situations ethically and constructively are less likely to be bystanders and more likely to act as allies if a peer is the target of harassment or bullying of any kind. To help students learn how to be allies, the NYCDOE offers teachers and counselors training in using the curriculum module *Fostering Respect for All: Empowering Students to Move from Bystanders to Allies* as well as other *Respect For All (RFA)* professional development opportunities. For more information, please visit the NYCDOE Respect for All (RFA) Library (<https://www.schools.nyc.gov/school-life/policies-for-all/respect-for-all>).

What is Bullying?

Bullying is behavior that is intended to cause some kind of harm. The person doing the bullying purposely says or does something to hurt the target of his/her their behavior.

Bullying behavior always involves an imbalance of power (physical or social) or strength between the person doing the bullying and the target of the behavior. The person doing the bullying may be physically bigger or stronger or may be older or have greater social status or social power than the person being targeted. ~~It is a pattern of behavior usually repeated over time and can take many forms.~~

Bullying is aggressive behavior by one individual (or group) that is directed at a particular person (or group). The aggressive behavior is unwanted and negative. It is deliberate and unprovoked. The targeted person is harmed by what is purposely being said or done. More specifically, per **New York Education Law, Section 11** (<https://www.nysenate.gov/legislation/laws/EDN/11>):

"Harassment" and "bullying" shall mean the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that (a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional, or physical well-being; or (b) reasonably causes or would reasonably be expected to cause a student to fear for their physical safety; or (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation, or abuse might reach school property. Acts of harassment and bullying shall include, but not be limited to, those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex. For the purposes of this definition the term "threats, intimidation or abuse" shall include verbal and non-verbal actions.

Harassment and/or bullying may take many forms and can be physical, non-verbal, verbal, or written. It may be a single incident or a series of related incidents. Written discrimination, harassment, intimidation and/or bullying includes electronically transmitted communications and cyberbullying (e.g., via information technology including, but not limited, to: internet, cell phone, email, personal digital assistant wireless handheld device, social media, blogs, chat rooms, and gaming systems).

ADDRESSING BULLYING AND BIAS-BASED BEHAVIOR, CONTINUED

To assist the school community in addressing bullying and bias-based behavior, the [NYCDOE *Respect For All* \(RFA\) Library on the Department's website](https://www.schools.nyc.gov/school-life/policies-for-all/respect-for-all) (<https://www.schools.nyc.gov/school-life/policies-for-all/respect-for-all>) offers many kinds of resources for parents, students, school staff, and school leaders. These resources include guidance documents and tip sheets for parents and students, including an important *RFA* brochure on understanding the difference between bullying and conflict, along with lessons, book lists, and other instructional materials for school staff. Schools are encouraged to use these resources to infuse bullying prevention, including cyberbullying, and respect for diversity lessons and other activities into their instructional program.

The *Respect For All* Library also provides schools information about opportunities and strategies to engage students in promoting respect such as *Bully Prevention Month*, *No Name Calling Week* or through projects like *Not in Our School* or *No Place for Hate*. Whether schools use the book lists to identify a class or schoolwide *Book of the Month* or whether trained peer educators conduct peer-to-peer workshops to prevent bullying behavior or promote respect for diversity, it is imperative that each school community is meaningfully and proactively engaged in creating a school culture and climate in which all students feel safe and respected.

~~If as a parent you have concerns that your child is the target of bullying behavior, please report your concerns to your child's school. If, after reporting to your child's school, you require additional assistance, please contact the Family Support Coordinator in the Superintendent's Office. If a parent has further questions, contact RespectforAll@schools.nyc.gov.~~

Parents and students can report concerns regarding bullying behavior by completing one of the following:

1. Notify the school's Respect for All (RFA) liaison(s), a member of the child's school's administration, or any other school employee; or
2. [Submit an online form](#) or email the Office of Safety and Youth Development (OSYD) at RespectforAll@schools.nyc.gov; or
 - If the issue involves gender-based harassment, also email the DOE Title IX Coordinator at Title_IX_Inquiries@schools.nyc.gov; or
3. Call 718-935-2288 Monday through Friday, from 9:00AM-5:00PM.

Parents should ask for the incident number from school administration for follow up. This is also known as Online Occurrence Reporting System (OORS) number.

~~Any student who believes that he or she has been the victim of discrimination, harassment, intimidation, and/or bullying by another student should report the incident to the *RFA* liaison(s) or to any other school employee. If a student feels uncomfortable making a report to a school staff member, a student may contact the Office of Safety and Youth Development (OSYD) by emailing the report to RespectforAll@schools.nyc.gov.~~

All reports of harassment, intimidation, discrimination, and/or bullying behavior will be investigated and appropriate follow-up action will be taken. For further information, please see [Chancellor's Regulation A-832](https://www.schools.nyc.gov/school-life/policies-for-all/chancellors-regulations/volume-a-regulations) (<https://www.schools.nyc.gov/school-life/policies-for-all/chancellors-regulations/volume-a-regulations>).

Bullying Is NOT Conflict

Conflict is a struggle between two or more people who perceive they have incompatible goals or desires. Conflict occurs naturally as we interact with one another. It is a normal part of life that we will not always agree with other people about the things we want, what we think, or what we want to do.

Most conflicts between students arise when students see the same situation from two different points of view. Think of some of the ways we describe people in conflict: "They were butting heads"; "They were going back and forth at each other"; "It was 'he said/she said/**they said**.'" In these cases, both people are equally "telling their side of the story."

In a conflict, people may get frustrated and angry. Chances are the amount of emotion each person feels will be relatively equal because both are vying for what they want. In the heat of the moment, one or both people's emotions can escalate a conflict. All of us have known of conflicts in which people have said things to hurt one another which they later regret.

People engaged in a conflict want the issue to be resolved. The "back and forth" that occurs is each person trying to make the case for what ~~s/he~~ **they** wants. When one or both people have the skills to resolve the dispute so that both sets of needs are met, the same conflict between the same two people most likely will not be repeated.

Move this “Progressive Ladder of Support and Disciplinary Responses” section (p. 17-18) to an earlier section in this document (specifically after the “Progressive Discipline” section, currently on p. 8) to serve as a preview and brief table of contents for the detailed sections (i.e. the “Supports and Interventions” section) that would come after it.

PROGRESSIVE LADDER OF SUPPORT AND DISCIPLINARY CONSEQUENCES RESPONSES

The ladder of supports and disciplinary ~~consequences responses~~ below illustrates a progressive ~~response approach~~ to inappropriate behavior. Student misbehavior must be handled on a case-by-case basis. In all cases, implementation of appropriate interventions and disciplinary responses must take into account a number of factors including the nature and severity of the misconduct. ~~In many cases, the use of in-school disciplinary response and/or the use of supports and interventions may be most suitable. In certain cases, student supports and interventions may be used in lieu of or in tandem with in-school disciplinary responses. In other some cases, a student’s misconduct may require or be most appropriately addressed by a targeted or significant disciplinary response, along with supports and interventions. In all cases, it may be most suitable for supports and interventions to take place outside of the classroom.~~

1. Concurrent Support and Disciplinary Response to Misconduct

When a student engages in misconduct, supports ~~services~~ are provided to address the student’s inappropriate behavior and/or underlying needs in conjunction with disciplinary ~~action response, if appropriate~~. The goal is to foster social emotional growth and pro-social behavior and prevent future misbehavior.

2. Universal Prevention for All Students

The school takes a whole school approach to promoting positive student behavior. Social emotional learning is infused into the curriculum. Staff meets regularly to ensure that there is a comprehensive student support program in place that includes counseling services, guidance, opportunities for social emotional learning, student engagement opportunities, and prevention and intervention behavioral supports to encourage and foster pro-social student behavior, foster resiliency, and ~~built build~~ students’ positive connection to the school community. The school has a system in place for early identification of students in need of prevention, intervention and/or supports ~~services~~.

3. Initial Response(s)

When a student experiences difficulty or engages in inappropriate behavior, the teacher contacts the parent and, depending on the nature and severity of the behavior and the age and maturity level of the student, takes one or more of the following steps: has a conference with the student; refers the student to a school counselor, ~~and/or to the Pupil Personnel Team (PPT), and/or the deans’ office (for middle and high school grades). One or more interventions and/or options for primary disciplinary consequences responses are used to address the student’s behavior.~~

4. Supports and Intervention Options

a. ~~Range of~~ Supports and Intervention Options

- ~~i. Teacher conference/classroom observation~~
- ii. Peer mediation; ~~and/or~~ conflict resolution (see page 14; page 11)
- iii. Restorative practices (e.g., circle or formal restorative conference) (see pages 11, 13–14)
- iv. Assignment of a mentor/coach ~~or mentoring program~~ (see page 12)
- ~~v. Guidance lessons in classrooms~~
- vi. Social emotional learning (see page 12)
- vii. ~~Development of~~ Individual behavioral ~~contract~~ or ~~short-term behavioral~~ progress reports (see page 11)
- viii. Collaborative problem solving (see page 11)
- ix. Referral to Pupil Personnel Team (PPT) (see page 11)
- x. Parent ~~Contact Outreach~~ (see page 11)
- xi. Guidance conference (see page 11)
- xii. Individual and/or small group counseling (see page 11)
- ~~xiii. Individualized Support Plan (ISP) (see page 12)~~
- xiv. Referral to ~~school nurse or school-based mental health clinic or external health care provider~~ support services (see page 12)
- ~~xv. Referral for academic support services~~
- xvi. Referral to ~~external mental health counseling provider or~~ community-based organization (see page 12)
- xvii. Referral to counseling for bullying, intimidation. or harassment (see page 12)

Alphabetize these “Supports and Intervention Options” on p. 17-18 so that they are easier to find for readers.

PROGRESSIVE LADDER OF SUPPORT AND DISCIPLINARY RESPONSES, CONTINUED

4. Supports and Intervention Options, continued

- xviii. Referral to counseling for youth relationship abuse, or sexual violence (see page 12)
 - xix. Referral to appropriate substance abuse counseling services (see page 12)
 - ~~xx. Referral to attendance teacher/coordinator~~
 - xxi. Functional Behavioral Assessment (FBA)/Behavioral Intervention Plan (BIP) (see page 20)
 - xxii. School counselor and/or other support staff and/or administrator/student conference (see page 11)
- b. For students serving a Superintendent's suspension, student supports services are provided in an alternate instructional site. Contact between the site and the student's home school is established to ensure academic progress and a successful transition upon return.

5. Disciplinary Response Options

- a. **Range of In-School Disciplinary Response(s)**
 - i. Formal restorative conference (see page 14)
 - ii. Development of individual behavior contract (see page 11)
 - iii. Short-term behavioral progress reports (see page 11)
 - iv. Referral to Pupil Personnel Team (PPT) (see page 11)
 - ~~v. Supervisor's conference with student~~
 - vi. In-school disciplinary action (e.g., detention)
 - vii. Parent-Guidance conference (see page 11)
 - ~~viii. Student/teacher conference~~
 - ix. Administrator/parent and/or dean/student conference
 - x. Administrator meeting with student to address wrongdoing and its consequences impact
- b. **Teacher Removal or Principal's Suspension (see pages 19 and 21)**
 - i. Removal from classroom by teacher
 - ii. Principal's suspension (up to 5 school days)
- c. **Superintendent's Suspension (see pages 19 and 21-23)**
 - i. Immediate reinstatement
 - ii. 6–10 school days
 - iii. 11–15 school days
 - iv. ~~41–29~~ 16–20 school days* (for Level 4 and 5 infractions only)
 - ~~v. 30–59 school days with review at 30 school days for suspensions of 39 or more school days~~
 - ~~vi. 60–90 school days with review every 30 school days~~
 - ~~vii. One school year with review at 90 and 135 days~~
 - ~~viii. One school year without review for early reinstatement~~

*Superintendent's suspensions for more than 20 school days may be imposed only when required by law or for seriously dangerous and/or violent behavior where the circumstances warrant the imposition of a longer suspension. All suspensions in excess of 20 school days require approval by the Senior Executive Director of the Office of Safety and Youth Development or other designee of the Chancellor or the Community Superintendent. See page 23 for more information.

DISCIPLINE PROCEDURES

In-School Disciplinary Responses

Schools have a range of disciplinary responses that can be used to hold students accountable for inappropriate behavior and that do not involve removal from the classroom or school or assignment to an alternate instructional site. These primary disciplinary responses are delineated on the Progressive Ladder of Support and Disciplinary Responses. A school's decision to use a disciplinary response must take into consideration a number of factors, including the nature and severity of the misconduct. ~~Schools are encouraged to use primary disciplinary responses when they are the most appropriate response to the misbehavior.~~

Suspensions and Teacher Removals

All suspensions and removals from the classroom must be done substantively and procedurally in accordance with relevant Regulations of the Chancellor, State Education Law, and Federal Law. (**Note:** Student discipline procedures for summer school vary from those used during the regular school year and are issued separately.) All entries in student records must be made in accordance with [Chancellor's Regulation A-443](https://www.schools.nyc.gov/school-life/policies-for-all/chancellors-regulations/volume-a-regulations) (<https://www.schools.nyc.gov/school-life/policies-for-all/chancellors-regulations/volume-a-regulations>). Schools are expected to provide supports to students returning from suspension to maximize their ability to meet the school community's social and academic standards.

Suspensions of more than five school days may be imposed for students in all schools by the ~~Chief Executive Officer~~ Senior Executive Director of the Office of Safety and Youth Development ("OSYD") or other designee of the Chancellor, or for students in elementary and middle schools by the Community Superintendent. For ease of reference, the term "superintendent's suspension" is used throughout this document to denote both suspensions imposed by the ~~Chief Executive Officer~~ Senior Executive Director of the Office of Safety and Youth Development or other designee of the Chancellor and suspensions imposed by the Community Superintendent.

Superintendent's suspensions for more than 20 school days (see page 23 for more information) may be imposed only when required by law or for seriously dangerous and/or violent behavior where the circumstances warrant the imposition of a longer suspension. All suspensions in excess of 20 school days require approval by the Senior Executive Director of the Office of Safety and Youth Development or other designee of the Chancellor or the Community Superintendent.

~~Schools are expected to provide support services to students returning from suspension to maximize their ability to meet the school community's social and academic standards.~~

~~All disciplinary responses and supports must be entered into SOHO.~~

Additional Protections for Students With Disabilities

Students with disabilities, 504 plans, or who are "presumed to have a disability" are entitled to assert specific procedural safeguards under IDEA (see [Chancellor's Regulation A-443- https://www.schools.nyc.gov/school-life/policies-for-all/chancellors-regulations/volume-a-regulations](https://www.schools.nyc.gov/school-life/policies-for-all/chancellors-regulations/volume-a-regulations)). A student is presumed to be a student with a disability if the parent has expressed concern in writing that the student needs special education and/or related services, the parent has made a written request for an evaluation of his/her their child, the parent or school staff express concern about a pattern of behavior, or the student has been referred for an initial evaluation.

Manifestation Determination Review

A manifestation determination review must be conducted when a student with a disability or a student who is presumed to have a disability is subject to a disciplinary change in placement, ~~in order~~ to determine if the behavior is caused by or has a direct and substantial relationship to the student's disability and/or was the direct result of the failure to implement the IEP or Section 504 plan. If the student's behavior is a manifestation of the student's disability, the student may not be disciplined for the behavior, except in certain cases. ~~if~~ If the student's behavior is determined not to be a manifestation of the student's disability, the student may be subject to discipline for the behavior.

A disciplinary change of placement occurs if the student will be removed from their his/her regular program for: (1) more than 10 consecutive school days as a result of a superintendent's suspension; (2) more than 10 cumulative school days in a 40-school-day period as a result of three or more disciplinary ~~actions~~ responses (superintendent's suspension, principal's suspension, and/or teacher removal); or (3) more than 10 cumulative school days in a school year as a result of disciplinary ~~actions~~ responses that the principal determines constitute a pattern of removals. See [Challenging Behavior Supports](https://www.schools.nyc.gov/special-education/supports-and-services/behavior-supports) for more information (<https://www.schools.nyc.gov/special-education/supports-and-services/behavior-supports>).

DISCIPLINE PROCEDURES, CONTINUED

Functional Behavior Assessments and Behavior Intervention Plans

If a student with an IEP is subject to a disciplinary ~~action~~ response and a determination has been made that the behavior is a manifestation of the student's disability, ~~a~~ functional behavioral assessment FBA must be conducted or updated and a BIP developed or modified. Additionally, even when a student's behavior is determined not to be a manifestation of a student's disability, ~~a~~ functional behavioral assessment FBA can help provide a more in-depth understanding of the student's behavior.

A **functional behavior assessment (FBA)** is an evaluation used to determine why a student with a disability engages in behaviors that impede learning and how the student's behavior relates to the environment.

The FBA must be based on multiple sources of data, obtained across multiple settings and times of day including, but not limited to: information obtained from direct observation of the student; information from the student, the student's teacher(s), related service provider(s) and others with whom the student interacts; and a review of available data and information from the student's record and other sources, including any relevant information provided by the student's parents/caregivers. An FBA must be conducted by a team; the principal will designate the team and its facilitator.

A **behavioral intervention plan (BIP)** is based on the results of an FBA and includes, at a minimum: a description of the problem behavior; global and specific hypotheses as to why the problem behavior occurs; and intervention strategies that include positive behavioral supports ~~and services~~ to address the behavior. The BIP must identify intervention strategies to be used to alter antecedent events to prevent the occurrence of the behavior, teach individual alternative and adaptive behaviors to the student, and provide ~~consequences~~ responses for the targeted inappropriate behavior(s) and alternative acceptable behavior(s). Baseline data must be used as a standard to establish performance criteria and against which to evaluate intervention effectiveness. The BIP must be monitored (and reported to the parent) using the same data collection measures (frequency, intensity, duration and/or latency) that were used to collect baseline data for the FBA. The goal is for the problem behavior to decrease as the replacement behavior increases.

After an FBA has been conducted, the IEP team must be convened to review the results of the FBA, develop a corresponding BIP (if appropriate), and update the student's individualized education program (IEP) to indicate if a particular device or service, including an intervention, accommodation or other program modification, is needed to address the student's behavior.

Disciplinary Responses

~~Disciplinary responses should be progressive.~~ Please see the **Progressive Ladder of Support and Disciplinary Responses** for the range of disciplinary options including the use of a formal restorative conference. Note that ~~In-school Disciplinary Actions~~ in-school disciplinary responses may include detention, or exclusion from extracurricular activities or communal lunchtime. If these in-school ~~consequences~~ responses are used, they must not take place during class time, cannot result in a student missing instruction, and must be done in accordance with the [Wellness Policy \(https://infohub.nyced.org/reports-and-policies/policies/doe-wellness-policy\)](https://infohub.nyced.org/reports-and-policies/policies/doe-wellness-policy).

All disciplinary responses must be imposed in accordance with the procedural requirements of [Chancellor's Regulation A-443 \(https://www.schools.nyc.gov/school-life/policies-for-all/chancellors-regulations/volume-a-regulations\)](https://www.schools.nyc.gov/school-life/policies-for-all/chancellors-regulations/volume-a-regulations) and be consistent with the range of disciplinary responses authorized for a particular infraction. Schools are expected to use supports and interventions and non-removal disciplinary responses, to the extent feasible and appropriate, before imposing a teacher removal, principal's suspension or superintendent's suspension.

All interventions, disciplinary responses and supports must be promptly entered into SOHO.

DISCIPLINE PROCEDURES, CONTINUED

In-School Disciplinary ~~Actions Responses~~:

In conjunction with the disciplinary responses below, a formal restorative conference and a re-entry circle (see definitions on page 14) may be used as an intervention.

All entries in student records must be made in accordance with [Chancellor's Regulation A-443](https://www.schools.nyc.gov/school-life/policies-for-all/chancellors-regulations/volume-a-regulations) (<https://www.schools.nyc.gov/school-life/policies-for-all/chancellors-regulations/volume-a-regulations>).

Teacher Removal from ~~a the Classroom by a Teacher~~:

A student who engages in behavior that is substantially disruptive ~~of to~~ the education process or substantially interferes with a teacher's authority over the classroom, may be removed from the classroom consistent with the disciplinary options set forth in this Code. All removed students must be permitted to attend classes that are taught by teachers other than the teacher requesting the removal (e.g., music, art, science).

Removed students must be sent to a location within the school where they will be provided with continued instructional services, including classwork and homework. While student misbehavior must be handled on a case-by-case basis, every effort should be made to address substantially disruptive classroom behavior using ~~Disciplinary Actions~~ disciplinary responses A–E (see page 26) along with appropriate supports and interventions prior to implementing a teacher removal.

- [Per New York Education Law, Section 2801](https://www.nysenate.gov/legislation/laws/EDN/2801) (<https://www.nysenate.gov/legislation/laws/EDN/2801>), if ~~if~~ a student is removed from any classroom by any teacher ~~4-four (four 4)~~ times during a semester or three (3) times during a trimester, a principal's suspension for a minimum period of ~~one (1)~~ day must be imposed if the student subsequently engages in behavior that would otherwise result in removal by the teacher during that semester or trimester. For example, a student who would otherwise be removed for the ~~5th fifth~~ time in a semester must instead receive a principal's suspension. The requirements for imposing a principal's suspension must be followed.

Principal's Suspension:

~~In addition to the above, a~~ A principal has the authority to suspend a student for ~~one to five 1–5~~ school days for behavior which presents a clear and present danger of physical injury to the student, other students or school personnel, or prevents the orderly operation of classes or other school activities consistent with the disciplinary ~~options responses~~ set forth in this Code. Reasonable effort must be made to address inappropriate student behavior through supports and interventions prior to imposing a ~~P~~principal's suspension.

Suspended students must be provided with instruction, including homework and classwork, at an alternative instructional site within the school.

Superintendent's Suspension

A superintendent's suspension may result in a period of suspension that exceeds five school days and may be sought for behavior for which a superintendent's suspension is authorized in the Discipline Code.

A student who receives a superintendent's suspension must be provided with the opportunity for a hearing at which the student has the opportunity to present evidence and witnesses on ~~their his/her~~ behalf and to question the school's witnesses.

If the school proves the ~~charges allegations~~ and the suspension is upheld, the ~~Chief Executive Officer Senior Executive Director~~ of the Office of Safety and Youth Development or other designee of the Chancellor or the Community Superintendent may impose one of the following as set forth ~~below~~ on the following pages.

DISCIPLINE PROCEDURES, CONTINUED

Superintendent's Suspension, Continued

- **Immediate Reinstatement**
The ~~Chief Executive Officer~~ Senior Executive Director of the Office of Safety and Youth Development or other designee of the Chancellor or the Community Superintendent may reinstate the student to the suspending school immediately following the decision to uphold the suspension.
- **Continued Suspension for a Fixed Period of 6–10 School Days**
The ~~Chief Executive Officer~~ Senior Executive Director of the Office of Safety and Youth Development or other designee of the Chancellor or the Community Superintendent may **continue order** the student's suspension from school for a fixed period of 6–10 school days during which the student must be provided with instruction at a location outside the school building. At the end of the suspension period, the student must be reinstated to ~~their-his/her~~ original school.
- **Continued Suspension for a Fixed Period of ~~11–29~~ 11–15 School Days**
The ~~Chief Executive Officer~~ Senior Executive Director of the Office of Safety and Youth Development or other designee of the Chancellor or the Community Superintendent may **continue order** the student's suspension from school for a fixed period of 11–~~15 29~~ school days during which the student must be provided with instruction at a location outside the school building. At the end of the suspension period, the student must be reinstated to ~~their-his/her~~ original school.
- **Suspension for A Fixed Period of 16–20 School Days**
The Senior Executive Director of the Office of Safety and Youth Development or other designee of the Chancellor or the Community Superintendent may order the student's suspension from school for a fixed period of 16–20 school days during which the student must be provided with instruction at a location outside the school building. At the end of the suspension period, the student must be reinstated to their original school.
- ~~**CONTINUED SUSPENSION FOR A FIXED PERIOD OF 30-59 DAYS WITH A REVIEW AT 30 DAYS FOR SUSPENSIONS OF 39 DAYS OR MORE**~~
~~The Chief Executive Officer of the Office of Safety and Youth Development or other designee of the Chancellor or the Community Superintendent may order that a student be suspended for 30-59 school days and reassigned to an alternate instructional site with automatic review for early reinstatement at 30 days for students serving a suspension of 39 school days or more. In determining the date upon which the student is reinstated, the Chief Executive Officer of the Office of Safety and Youth Development or other designee of the Chancellor or the Community Superintendent shall, to the extent possible, consider the school calendar in order to ensure instructional continuity. If early reinstatement is not granted, the student will remain in the alternate instruction site for the remainder of the suspension, and must be reinstated to the suspending school at the termination of the suspension.~~
- ~~**EXTENDED SUSPENSION FOR 60-90 DAYS WITH AN AUTOMATIC REVIEW EVERY 30 DAYS**~~
~~The Chief Executive Officer of the Office of Safety and Youth Development or other designee of the Chancellor or the Community Superintendent may order that a student be suspended for 60-90 school days and reassigned to an alternate instructional site with an automatic review for early reinstatement every 30 school days. In determining the date upon which the student is reinstated, the Chief Executive Officer of the Office of Safety and Youth Development or other designee of the Chancellor or the Community Superintendent shall, to the extent possible, consider the school calendar in order to ensure instructional continuity. If early reinstatement is not granted, the student will remain in the alternate instruction site for the remainder of the suspension, and must be reinstated to the suspending school at the termination of the suspension.~~

DISCIPLINE PROCEDURES, CONTINUED

Superintendent's Suspensions, Continued

Dispositional Options for Superintendent's Suspensions Requiring Approval by the Chancellor or Designee or the Community Superintendent

Superintendent's suspensions for more than 20 school days may be imposed only when required by law or for seriously dangerous and/or violent behavior where the circumstances warrant the imposition of a longer suspension. Seriously dangerous and/or violent behavior can include, but is not limited to, behavior that results in serious physical injury or forcing another to engage in sexual activity. All suspensions in excess of 20 school days require approval by the Senior Executive Director of the Office of Safety and Youth Development or other designee of the Chancellor or the Community Superintendent. Where a suspension of more than 20 school days is approved, the following disciplinary options are available:

- **Extended Suspension for 21–39 School Days**

The Senior Executive Director of the Office of Safety and Youth Development or other designee of the Chancellor or the Community Superintendent may order that a student be suspended for 21–39 school days during which the student must be provided with instruction at a location outside the school building. At the end of the suspension period, the student must be reinstated to their original school.

- **Extended Suspension for 40–180 School Days With an Automatic Review At 30 School Days and Every 15 School Days Thereafter**

The Senior Executive Director of the Office of Safety and Youth Development or other designee of the Chancellor or the Community Superintendent may order that a student be suspended for 40–180 school days and reassigned to an alternate instructional site with an automatic review for early reinstatement at 30 school days and every 15 school days thereafter. In determining the date upon which the student is reinstated, the Senior Executive Director of the Office of Safety and Youth Development or other designee of the Chancellor shall, to the extent possible, consider the school calendar to ensure instructional continuity. If early reinstatement is not granted, the student will remain in the alternate instruction site for the remainder of the suspension and must be reinstated to the suspending school at the termination of the suspension.

- **One-Year Suspension ~~And Assignment To An Alternate Learning Site With~~ with an Automatic Review For Early Reinstatement ~~After 90 And 135 Days At 60 School Days and Every 30 School Days Thereafter~~**

Consistent with the Federal Gun-Free Schools Act of 1994, any student who is determined to have brought to or possessed at school a firearm, bomb, or other explosive (as delineated in Category 1), must be suspended for a period of not less than one year. The Senior Executive Director of the Office of Safety and Youth Development or other designee of the Chancellor or the Community Superintendent (as delineated by the Gun-Free Schools Act) may modify this suspension, in writing, for a student on a case-by-case basis.

The ~~Chief Executive Officer~~ Senior Executive Director of the Office of Safety and Youth Development or other designee of the Chancellor or Community Superintendent may order that a student be suspended for one year and reassigned to an alternate instructional site, with an automatic review for early reinstatement to the suspending school ~~after 90 and 135 school days at~~ 60 school days and every 30 school days thereafter. If early reinstatement is not granted, the student will remain in the alternate instructional site for the remainder of the suspension, and must be reinstated to the suspending school at the termination of the suspension.

- **~~ONE-YEAR SUSPENSION AND ASSIGNMENT TO AN ALTERNATE LEARNING SITE WITHOUT THE POSSIBILITY FOR EARLY REINSTATEMENT~~**

~~The Chief Executive Officer of the Office of Safety and Youth Development or other designee of the Chancellor or the Community Superintendent may suspend a student for one year without the opportunity to petition for early reinstatement. Students must be placed in an alternate instructional site for the year. At the termination of the one-year period, the student will be reinstated to the school from which he/she was suspended.~~

~~Consistent with the Federal Gun-Free Schools Act of 1994, any student who is determined to have brought to or possessed at school a firearm, bomb or other explosive (as delineated in Category 1), must be suspended for a period of not less than one year. The Chief Executive Officer of the Office of Safety and Youth Development or other designee of the Chancellor (as delineated by the Gun-Free Schools Act) or the Community Superintendent may modify the suspension, in writing, for a student on a case-by-case basis.~~

- **Expulsion (Only For General Education Students Who Turned 17 Prior To The Beginning of The School Year, Which Is July 1**

The ~~Chief Executive Officer~~ Senior Executive Director of the Office of Safety and Youth Development or other designee of the Chancellor or the Community Superintendent may expel a student from the New York City Public School system only if the student is in general education and turned 17 prior to the beginning of the school year.

DISCIPLINE PROCEDURES, CONTINUED

Supports for Students During **Suspension** and Returning from Suspension

Schools must provide appropriate supports ~~services~~ to students during their suspension and when they return to their home school from suspension to maximize their ability to meet social/behavioral and academic standards within the school community. At the middle and high school levels, students serving a Superintendent's suspension ~~s~~ are assigned to ~~an~~ Alternate Learning Centers (ALCs). At ~~an~~ ALCs, students receive daily academic instruction coupled with significant supports and interventions. Students with IEPs must be provided with appropriate special education services that allow the student to make progress toward the student's IEP goals.

The goal at all grade levels is to prepare students to return to their home schools with increased pro-social attitudes, strategies, and skills that foster resiliency and reduce the likelihood of recidivism. It is incumbent upon a student's home school to continue ~~supportive-services~~ supports. Supports ~~services~~ may include any of the range of supports and interventions or a combination of ~~services both~~, as best meets the needs of the individual student.

Move the below "Appeals and Transfers" section, which is listed in the Table of Contents on page 3, to begin on the start of a new page (it currently begins in the middle of this page, p. 24).

APPEALS AND TRANSFERS

Parents may appeal suspensions. Principals' ~~Suspensions~~ suspensions may be appealed to the ~~Chief Executive Officer~~ Senior Executive Director of the Office of Safety and Youth Development or other designee of the Chancellor or the Community Superintendent. Superintendent's suspensions (i.e., suspensions imposed by the ~~Chief Executive Officer~~ Senior Executive Director of the Office of Safety and Youth Development or other designee of the Chancellor or by the Community Superintendent) may be appealed to the Chancellor. See [Chancellor's Regulation A-443 \(https://www.schools.nyc.gov/school-life/policies-for-all/chancellors-regulations/volume-a-regulations\)](https://www.schools.nyc.gov/school-life/policies-for-all/chancellors-regulations/volume-a-regulations) for more information about the time frame and process for making an appeal.

TRANSFER OPTIONS

- **Voluntary Transfers:**
In collaboration with the Office of Student Enrollment, the ~~Senior Executive Director~~ Chief Executive Officer of the Office of Safety and Youth Development or other designee of the Chancellor or the Community Superintendent may transfer a student to another school if the parent consents. For information regarding ~~Safety Transfers~~ safety transfers, see [Chancellor's Regulation A-449 \(https://www.schools.nyc.gov/school-life/policies-for-all/chancellors-regulations/volume-a-regulations\)](https://www.schools.nyc.gov/school-life/policies-for-all/chancellors-regulations/volume-a-regulations).
- **Involuntary Transfers:**
When the behavior and/or academic record of a student in general education demonstrate that adjustment in school is unsatisfactory and if the principal believes that the student would benefit from a transfer or receive an appropriate education elsewhere, the principal may pursue an involuntary transfer in accordance with [Chancellor's Regulation A-450 \(https://www.schools.nyc.gov/school-life/policies-for-all/chancellors-regulations/volume-a-regulations\)](https://www.schools.nyc.gov/school-life/policies-for-all/chancellors-regulations/volume-a-regulations). A student with a disability cannot be involuntarily transferred to a different school to receive the same program that ~~they he/she~~ is receiving in ~~their his/her~~ home school. If it is believed that a student with a disability is in need of a different special education program/supports because the behavior and academic record demonstrate that adjustment to school is unsatisfactory, then the school should convene an IEP meeting.

All [Chancellors' Regulations](https://www.schools.nyc.gov/school-life/policies-for-all/chancellors-regulations) may be found at the NYCDOE website. ~~may be found at NYC D.O.E. website~~ (<https://www.schools.nyc.gov/school-life/policies-for-all/chancellors-regulations>).

PROHIBITED ITEMS: WEAPONS

Category I

- Firearms, including pistols, starter guns, ~~and~~ handguns, silencers, electronic darts, shotguns, rifles, machine guns, or any weapon which will or is designed to or may readily be converted to expel a projectile by action of an explosive
- Stun guns/weapons
- Air guns, spring guns, or other instruments or weapons in which the propelling force is a spring or air, and any weapon in which any loaded or blank cartridge may be used (such as a BB gun or paintball gun)
- Switchblade knife, gravity knife, pilum ballistic knife, and cane sword (a cane that conceals a knife or sword)
- Daggers, stilettos, dirks, razorblades, box cutters, case cutters, utility knife, and all other knives
- Billy clubs, blackjack, bludgeon, chukka stick, and metal knuckles
- Sling shot (small, heavy weights attached to or propelled by a thong) and slung shot
- Martial arts objects including kung fu stars, nunchucks, and shirkens
- Explosives, including bombs, firecrackers, and bombshells

Category II

- Acid or dangerous chemicals (such as pepper spray, mace)
- Imitation gun or other imitation weapon
- Loaded or blank cartridges and other ammunition
- Any deadly, dangerous, or sharp pointed instruments which can be used or is intended for use as a weapon (such as scissors, nail file, broken glass, chains, wire).

Note: Before requesting a suspension for possession of an article listed in Category II for which a purpose other than infliction of physical harm exists, e.g., a nail file, the principal must consider whether there are mitigating factors present. In addition, the principal must consider whether an imitation gun is realistic looking by considering factors such as its color, size, shape, appearance, and weight.

~~TAKING DISCIPLINARY ACTION~~

~~When a student engages in inappropriate behavior, the school is expected to couple supports and interventions with disciplinary action with the express purpose of holding students accountable and simultaneously helping students learn from their mistakes. The disciplinary responses which follow provide a range of options to be used to best meet each student's individual needs. While student misbehavior must be handled on a case-by-case basis, schools are expected first to implement primary (non-removal) disciplinary consequences to address student misconduct whenever possible and appropriate before imposing a more stringent disciplinary response.~~

Move the "Progressive Infraction Levels" section (currently on p. 9), which serves as an introduction to the Infractions pages, to just before the "Discipline Code Infractions: Grades 6-12" section (which begins on the next page, p. 26).

Student Intervention and DISCIPLINE CODE INFRACTIONS: GRADES 6–12

Level 1 Infractions – Uncooperative/Noncompliant Behavior

Note: see list below for **Range of Possible Disciplinary Actions A-F**

- B01 Unexcused absence from school (A–D)
- B02 Failing to wear the required school uniform (applies only to students in grades 6–12 in schools that have adopted a school uniform policy and whose parents have not secured an exemption) (A–D)
- B03 Cutting classes (reporting to school and failing to attend one or more programmed classes) (A–E)
- B04 Being late for school or class (A–E)
- B05 Bringing items to or using items in school in violation of **NYCDOE Department of Education** or school policy (A–E)
- B06 Failing to be in one’s assigned place on school premises (A–E)
- B07 Behaving in a manner which disrupts the educational process (e.g., making excessive noise in a classroom, library, or hallway) (A–F)
- B08 Engaging in verbally rude or disrespectful behavior (A–F)
- B09 Wearing clothing, headgear (e.g., caps or hats), or other items that are unsafe or disruptive to the educational process* (A–E) *NOTE: If there is a question regarding whether clothing or headgear is representative of religious expression, the school should contact the Borough Director of **Student Suspensions**.
- B10 Posting or distributing material on school premises in violation of written **NYCDOE Department of Education** policy and/or school rules (A–E)
- B11 Failing to provide school officials with required identification (A–E)
- B12 Using school computers, fax machines, telephones, or other electronic equipment or devices without appropriate permission (A–E)

Student Supports and Interventions may be used in lieu of or in tandem with and Accountability Responses ~~to be Used in Tandem~~

Supports and Interventions

- Parent outreach (see page 11)
- Intervention by counseling staff (see page 11)
- Guidance conference(s) (see page 11)
- Restorative practices (see page 11; 13–14)
- Social Emotional Learning (see pages 12, 6-7)
- Positive Behavioral Interventions and Supports (PBIS) (see page 12)
- Individual/group counseling (see page 11)
- Collaborative problem solving (see page 11)
- Conflict resolution (see page 11)
- Peer mediation (see page 14)
- Mentoring program (see page 12)
- Development of individual behavior contract (see page 11)
- Short-term behavioral progress reports (see page 11)
- Referral to Pupil Personnel Team (PPT) (see page 11)
- Community service (with parental consent) (see page 11)
- Referral to a community-based organization (CBO) (see page 12)
- Referral for mental health support services (see page 12)
- Functional Behavioral Assessment (FBA)/ Behavioral Intervention Plan (BIP) (see page 20)

Range of Possible Disciplinary Actions Responses*

- A. Pedagogical school staff meeting with student to address the misbehavior and its **consequences impact**
- B. Student/teacher conference
- C. Formal meeting with student by appropriate supervisor (e.g., assistant principal, principal) to address the misbehavior and understand its **consequences impact**
- D. Parent conference
- E. In-school disciplinary **action response** (e.g., **formal restorative conference**, exclusion from extracurricular activities or communal lunchtime)
- F. Removal from classroom by teacher (subject to the requirement to impose a suspension at **5 five** or more (semester) or **4 four** or more (trimester) removals) (see pages 19 and 21)

*NOTE: Further details about **supports and interventions** can be found on **pages 11–20**. Further details about **disciplinary actions responses** can be found on **pages 20–23**.

Student Intervention and DISCIPLINE CODE INFRACTIONS: GRADES 6–12, CONTINUED

Level 2 Infractions – Disorderly Behavior

Note: see list below for Range of Possible Disciplinary Actions A–F

- B13 ~~Smoking, and/or Possession and/or use of cigarettes, electronic cigarettes, and/or possession of matches or, lighters, and/or vaping devices~~ (A–D)
- B14 Gambling (A–F)
- B15 Using profane, obscene, vulgar, or lewd language, gestures, or behavior (A–F)
- B16 Lying to, giving false information to, and/or misleading school personnel (A–F)
- B17 Misusing property belonging to others (A–F)
- B18 Engaging in or causing disruptive behavior on the school bus (A–E)
- B19 Inappropriate use of electronic technology (e.g., unauthorized audio/video recording) (A–F)
- B20 Leaving class or school premises without permission of supervising school personnel (~~A–F~~ A–E)

Student Supports and Interventions may be used in lieu of or in tandem with and Accountability Responses ~~to be Used in Tandem~~

Supports and Interventions

- Parent outreach (see page 11)
- Intervention by counseling staff (see page 11)
- Guidance conference(s) (see page 11)
- Restorative practices (see page 11; 13–14)
- Social Emotional Learning (see pages 12, 6–7)
- Positive Behavioral Interventions and Supports (PBIS) (see page 12)
- Individual/group counseling (see page 11)
- Collaborative problem solving (see page 11)
- Conflict resolution (see page 11)
- Peer mediation (see page 14)
- Mentoring program (see page 12)
- Development of individual behavior contract (see page 11)
- Short-term behavioral progress reports (see page 11)
- Referral to Pupil Personnel Team (PPT) (see page 11)
- Community service (with parental consent) (see page 11)
- Referral to a community-based organization (CBO) (see page 12)
- Referral for mental health support services (see page 12)
- Functional Behavioral Assessment (FBA)/ Behavioral Intervention Plan (BIP) (see page 20)

Range of Possible Disciplinary Actions Responses*

- A. Pedagogical school staff meeting with student to address the misbehavior and its ~~consequences~~ impact
- B. Student/teacher conference
- C. Formal meeting with student by appropriate supervisor (e.g., assistant principal, principal) to address the misbehavior and understand its ~~consequences~~ impact
- D. Parent conference
- E. In-school disciplinary ~~action response~~ (e.g., ~~formal restorative conference~~, exclusion from extracurricular activities or communal lunchtime)
- F. Removal from classroom by teacher (subject to the requirement to impose a suspension at ~~five 5~~ or more (semester) or ~~four 4~~ or more (trimester) removals) (see pages 19 and 21)

*NOTE: Further details about **supports and interventions** can be found on **pages 11–20**. Further details about **disciplinary actions responses** can be found on **pages 20–23**.

Student Intervention and DISCIPLINE CODE INFRACTIONS: GRADES 6–12, CONTINUED

Level 3 Infractions – Disruptive Behavior

Note: see list below for Range of Possible Disciplinary Actions A–I

- B21 Defying or disobeying the lawful authority or directive of school personnel or school safety agents in a way that substantially disrupts the educational process and/or poses a danger to the school community (this behavior does not include Level 1 or 2, uncooperative/noncompliant or disorderly behavior, such as using profane language, B15; or wearing prohibited clothing, B09; or bringing prohibited items to school, B05) (A–F, G with authorization)
NOTE: Principals must obtain prior written approval of the Office of Safety and Youth Development prior to authorizing a principal’s suspension for B21
- B22 Entering or attempting to enter a school building without authorization or through an unauthorized entrance (A–G)
- B23 Using slurs based upon actual or perceived race, ethnicity, color, national origin, citizenship/immigration status, weight, religion, gender, gender identity, gender expression, sexual orientation, or disability (A–I)
- B24 Shoving, pushing, or engaging in a minor altercation or similar physical confrontational behavior towards students or school personnel (e.g., pushing past another person), or throwing an object (e.g., chalk), or spitting at another person (for more serious physically aggressive behavior, see B36) (A–G)
- B25 Bringing unauthorized persons to school or allowing unauthorized visitors to enter school in violation of written school rules (A–I)

Student Supports and Interventions may be used in tandem with ~~and~~ Accountability Responses ~~to be Used in Tandem~~

Supports and Interventions

- Parent outreach (see page 11)
- Intervention by counseling staff (see page 11)
- Guidance conference(s) (see page 11)
- Restorative practices (see page 11; 13–14)
- Social Emotional Learning (see pages 12, 6–7)
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- Individualized Support Plan (ISP) (see page 12)
- Collaborative problem solving (see page 11)
- Conflict resolution (see page 11)
- Peer mediation (see page 14)
- Mentoring program (see page 12)
- Development of individual behavior contract (see p 11)
- Short-term behavioral progress reports (see page 11)
- Referral to Pupil Personnel Team (PPT) (see page 11)
- Community service (with parental consent) (see page 11)
- Referral to a community-based organization (CBO) (see page 12)
- Referral for mental health support services (see page 12)
- Functional Behavioral Assessment (FBA)/ Behavioral Intervention Plan (BIP) (see page 20)

Range of Possible Disciplinary ~~Actions~~ Responses*

- A. Pedagogical school staff meeting with student to address the misbehavior and its ~~consequences~~ impact
- B. Student/teacher conference
- C. Formal meeting with student by appropriate supervisor (e.g., assistant principal, principal) to address the misbehavior and understand its ~~consequences~~ impact
- D. Parent conference
- E. In-school disciplinary ~~action~~ response (e.g., formal restorative conference, exclusion from extracurricular activities or communal lunchtime)
- F. Removal from classroom by teacher (subject to the requirement to impose a suspension at ~~five 5~~ or more (semester) or ~~four 4~~ or more (trimester) removals) (see pages 19 and 21)
- G. Principal’s suspension for ~~one to five~~ 4–5 school days (see pages 19 and 21)
- H. Superintendent’s suspension that results in immediate reinstatement (see pages 19 and 21–22)
- I. Superintendent’s suspension that results in a ~~continued~~ suspension for a fixed period of ~~six to 10~~ 6–10 school days (see pages 19 and 21–22)

*NOTE: Further details about **supports and interventions** can be found on **pages 11–20**. Further details about **disciplinary actions responses** can be found on **pages 20–23**.

Student Intervention and DISCIPLINE CODE INFRACTIONS: GRADES 6–12, CONTINUED

Level 3 Infractions – Disruptive Behavior, Continued

Note: see list below for Range of Possible Disciplinary Actions A-L

- B26 Engaging in gang-related behavior (e.g., wearing or displaying gang apparel and/or accessories, writing graffiti, making gestures or signs) **NOTE:** In determining whether the behavior is gang-related, school officials may consult with the Office of Safety and Youth Development’s Gang Unit. (A–I, ~~J–L~~ J only if there is substantial damage to property ~~requiring extensive repair~~)
- B27 Tampering with, changing, or altering a record or document of a school by any method, including, but not limited to, computer access or other electronic means (A–I)
- B28 Engaging in vandalism, graffiti, or other intentional damage to school property or property belonging to staff, students, or others (~~A–I~~ A–F, ~~J–L~~ only if there is substantial damage to property ~~requiring extensive repair~~ G–J only if substantial damage to school property or property belonging to another person)
- B29 Knowingly possessing property belonging to another without authorization (A–I)
- B30 Violating the Department’s Internet Use Policy (e.g., use of the Department’s system for non-educational purposes, security/privacy violations) (A–I)

Student Supports and Interventions may be used in tandem with and Accountability Responses ~~to be Used in Tandem~~

Supports and Interventions

- Parent outreach (see page 11)
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- Short-term behavioral progress reports (see page 11)
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- Referral to a community-based organization (CBO) (see page 12)
- Referral for mental health support services (see page 12)
- Functional Behavioral Assessment (FBA)/ Behavioral Intervention Plan (BIP) (see page 20)

Range of Possible Disciplinary Actions Responses*

- A. Pedagogical school staff meeting with student to address the misbehavior and its ~~consequences~~ impact
- B. Student/teacher conference
- C. Formal meeting with student by appropriate supervisor (e.g., assistant principal, principal) to address the misbehavior and understand its ~~consequences~~ impact
- D. Parent conference
- E. In-school disciplinary ~~action response~~ (e.g., ~~formal restorative conference~~, exclusion from extracurricular activities or communal lunchtime)
- F. Removal from classroom by teacher (subject to the requirement to impose a suspension at ~~five 5~~ or more (semester) or ~~four 4~~ or more (trimester) removals) (see pages 19 and 21)
- G. Principal’s suspension for ~~one to five 4-5~~ school days (see pages 19 and 21)
- H. Superintendent’s suspension that results in immediate reinstatement (see pages 19 and 21-22)
- I. Superintendent’s suspension that results in a ~~continued~~ suspension for a fixed period of six to ~~6-~~ 10 school days (see pages 19 and 21-22)
- J. Superintendent’s suspension that results in an ~~extended~~ suspension for ~~11-29~~ 11–15 school days (see pages 19 and 21-22)
- ~~K. Superintendent’s suspension that results in an extended suspension for 30-59 school days (with automatic review at 30 days for suspensions of 39 days or longer)~~
- ~~L. Superintendent’s suspension that results in an extended suspension for 60-90 school days with automatic review every 30 days.~~

*NOTE: Further details about **supports and interventions** can be found on **pages 11–20**. Further details about **disciplinary actions responses** can be found on **pages 20–23**.

Student Intervention and DISCIPLINE CODE INFRACTIONS: GRADES 6–12, CONTINUED

Level 3 Infractions – Disruptive Behavior, Continued

Note: see list below for Range of Possible Disciplinary Actions A-L

B31 Engaging in scholastic dishonesty which includes but is not limited to:

- a. Cheating (e.g., copying from another’s test paper; using material during a test which is not authorized by the person giving the test; collaborating with another student during the test without authorization; knowingly using, buying, selling, stealing, transporting, or soliciting, in whole or part, the contents of an un-administered test; substituting for another student or permitting another student to substitute for one’s self to take a test; bribing another person to obtain a test that is to be administered; or securing copies of the test or answers to the test in advance of the test)
- b. Plagiarizing (appropriating another’s work and using it as one’s own for credit without the required citation and attribution, e.g., copying written work from the Internet, or any other source)
- c. Colluding (engaging in fraudulent collaboration with another person in preparing written work for credit)
(A–I, ~~J–L~~ J only for particularly egregious situations (e.g., where numerous students are involved, where the behavior involves standardized tests, or where the behavior requires invalidation of a test))

B32 Posting or distributing libelous material or literature (including posting such material on the Internet) (A-I)

Student Supports and Interventions may be used in tandem with and Accountability Responses to be Used in Tandem

Supports and Interventions

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- Intervention by counseling staff (see page 11)
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- Short-term behavioral progress reports (see page 11)
- Referral to Pupil Personnel Team (PPT) (see page 11)
- Community service (with parental consent) (see page 11)
- Referral to a community-based organization (CBO) (see page 12)
- Referral for mental health support services (see page 12)
- Functional Behavioral Assessment (FBA)/ Behavioral Intervention Plan (BIP) (see page 20)

Range of Possible Disciplinary Actions Responses*

- A. Pedagogical school staff meeting with student to address the misbehavior and its consequences impact
- B. Student/teacher conference
- C. Formal meeting with student by appropriate supervisor (e.g., assistant principal, principal) to address the misbehavior and understand its consequences impact
- D. Parent conference
- E. In-school disciplinary action response (e.g., formal restorative conference, exclusion from extracurricular activities or communal lunchtime)
- F. Removal from classroom by teacher (subject to the requirement to impose a suspension at 5 or more (semester) or 4 or more (trimester) removals) (see pages 19 and 21)
- G. Principal’s suspension for one to five 4–5 school days (see pages 19 and 21)
- H. Superintendent’s suspension that results in immediate reinstatement (see pages 19 and 21-22)
- I. Superintendent’s suspension that results in a continued suspension for a fixed period of six to 6–10 school days (see pages 19 and 21-22)
- J. Superintendent’s suspension that results in an extended suspension for 11–15 44–29 school days (see pages 19 and 21-22)
- ~~K. Superintendent’s suspension that results in an extended suspension for 30–59 school days (with automatic review at 30 days for suspensions of 30 days or longer)~~
- ~~L. Superintendent’s suspension that results in an extended suspension for 60–90 school days with automatic review every 30 days.~~

*NOTE: Further details about supports and interventions can be found on pages 11–20. Further details about disciplinary actions responses can be found on pages 20–23.

Student Intervention and DISCIPLINE CODE INFRACTIONS: GRADES 6–12, CONTINUED

Addressing Level 4 and Level 5 Behaviors

This progressive code of conduct is predicated upon concurrent supports/interventions with a discipline response to address student misconduct so that students learn from their misbehavior. The Progressive Ladder of Support and Disciplinary ~~Consequences~~ Responses calls for universal prevention for all students and the early identification of students who are in need of additional and/or specific supports ~~services~~.

Schools must address Level 4 and 5 behavior in accordance with the Progressive Ladder of Support and Disciplinary ~~Consequences~~ Responses and the progressive approach to discipline set forth in this Discipline Code. The ~~code~~ Code provides a range of disciplinary responses for these types of behaviors ~~in order~~ to ensure that all relevant factors are considered in determining the appropriate response. ~~Federal and state law, however, require that for some incidents of student misconduct a suspension must be imposed. These suspensions are subject to review and modification on a case by case basis in accordance with law and DOE policy.~~

~~*Superintendent's suspensions for more than 20 school days may be imposed only when required by law or for seriously dangerous and/or violent behavior where the circumstances warrant the imposition of a longer suspension. All suspensions in excess of 20 school days require approval by the Senior Executive Director of the Office of Safety and Youth Development or other designee of the Chancellor or the Community Superintendent.~~

Further details about **supports and interventions** can be found on **pages 11–20**. Further details about **disciplinary responses and seriously dangerous and/or violent behavior** can be found on **pages 20–23**.

Student Intervention and DISCIPLINE CODE INFRACTIONS: GRADES 6–12, CONTINUED

Level 4 Infractions – Aggressive or Injurious/Harmful Behavior

Note: see list below for Range of Possible Disciplinary Actions D-M

- B33 Engaging in sexual conduct on school premises or at school-related functions (D–I)
- B34 Making sexually suggestive comments, innuendoes, propositions, or similar remarks, or engaging in nonverbal or physical conduct of a sexual nature (e.g., touching, patting, pinching, lewd or indecent public behavior, or sending or posting sexually suggestive messages or images) (~~D–M~~ D–K)
- B35 Posting, distributing, displaying, or sharing literature or material containing a threat of violence, injury or harm, or depicting violent actions against or obscene, vulgar or lewd pictures of students or staff, including but not limited to posting such material on the Internet (~~D–L~~ D–K)
- B36 Engaging in physically aggressive behavior other than minor altercations as described under B24, which creates a substantial risk of or results in minor injury (~~D–L~~ D–K)

Student Supports and Interventions may be used in tandem with ~~and~~ Accountability Responses ~~to be Used in Tandem~~

Supports and Interventions

- Parent outreach (see page 11)
- Intervention by counseling staff (see page 11)
- Guidance conference(s) (see page 11)
- Restorative practices (see page 11; 13–14)
- Social Emotional Learning (see pages 12, 6–7)
- Positive Behavioral Interventions and Supports (PBIS) (see page 12)
- Individual/group counseling (see page 11)
- Individualized Support Plan (ISP) (see page 12)
- Collaborative problem solving (see page 11)
- Conflict resolution (see page 11)
- Peer mediation (see page 14)
- Mentoring program (see page 12)
- Formal restorative conference (see page 14)
- Development of individual behavior contract (see page 11)
- Short-term behavioral progress reports (see page 11)
- Referral to Pupil Personnel Team (PPT) (see page 11)
- Community service (with parental consent) (see page 11)
- Referral to a community-based organization (CBO) (see page 12)
- Referral for mental health support services (see page 12)
- Functional Behavioral Assessment (FBA)/ Behavioral Intervention Plan (BIP) (see page 20)
- Referral to counseling services for youth relationship abuse or sexual violence (see page 12)

Range of Possible Disciplinary ~~Actions~~ Responses*

- D. Parent conference
- E. In-school disciplinary ~~action~~ response (e.g., formal restorative conference, exclusion from extracurricular activities or communal lunchtime)
- F. Removal from classroom by teacher (subject to the requirement to impose a suspension at ~~five 5~~ or more (semester) or ~~four 4~~ or more (trimester) removals) (see pages 19 and 21)
- G. Principal's suspension for ~~one to five 4–5~~ school days (see pages 19 and 21)
- H. Superintendent's suspension that results in immediate reinstatement (see pages 19 and 21–22)
- I. Superintendent's suspension that results in a ~~continued~~ suspension for a fixed period of ~~six to 6–10~~ school days (see pages 19 and 21–22)
- J. Superintendent's suspension that results in a ~~an extended~~ suspension for ~~11–15 11–29~~ school days (see pages 19 and 21–22)
- K. Superintendent's suspension that results in a ~~an extended~~ suspension for ~~16–20 30–59~~ school days (with automatic review at 30 days for suspensions of 39 days or longer) (see pages 19 and 21–22)
- ~~L. Superintendent's suspension that results in an extended suspension for 60–90 school days with automatic review every 30 days.~~
- ~~M. Superintendent's suspension that results in a one year suspension and assignment to an alternative program with and automatic review at 90 and 135 days~~

*NOTE: Further details about **supports and interventions** can be found on **pages 11–20**. Further details about **disciplinary actions responses** can be found on **pages 20–23**.

Student Intervention and DISCIPLINE CODE INFRACTIONS: GRADES 6–12, CONTINUED

Level 4 Infractions – Aggressive or Injurious/Harmful Behavior, Continued

Note: see list below for Range of Possible Disciplinary Actions D-N

- B37 Engaging in an act of coercion or threatening or instigating violence, injury, or harm to another or others (~~D-L~~ D-K)
- B38 Engaging in or causing disruptive behavior on the school bus which creates a substantial risk of or results in injury. **NOTE:** Students may also be excluded from the bus as per Chancellor’s Regulation A-801. (~~D-L~~ D-K)
- B39 Engaging in harassing, intimidating, and/or bullying behavior, including using electronic communication to engage in such behavior (cyber-bullying); such behavior includes, but is not limited to: physical violence; stalking; verbal, written, or physical conduct that threatens another with harm; seeking to coerce or compel a student or staff member to do something; hazing; taunting; exclusion from peer groups designed to humiliate or isolate; using derogatory language or making derogatory jokes or name calling to humiliate or harass. (~~D-N~~ D-K, G-K only, where behavior involves physical violence)

Student Supports and Interventions may be used in tandem with ~~and~~ Accountability Responses ~~to be Used in Tandem~~

Supports and Interventions

- Parent outreach (see page 11)
- Intervention by counseling staff (see page 11)
- Guidance conference(s) (see page 11)
- Restorative practices (see page 11; 13–14)
- Social Emotional Learning (see pages 12, 6–7)
- Positive Behavioral Interventions and Supports (PBIS) (see page 12)
- Individual/group counseling (see page 11)
- Individualized Support Plan (ISP) (see page 12)
- Collaborative problem solving (see page 11)
- Conflict resolution (see page 11)
- Peer mediation (see page 14)
- Mentoring program (see page 12)
- Formal restorative conference (see page 14)
- Development of individual behavior contract (see page 11)
- Short-term behavioral progress reports (see page 11)
- Referral to Pupil Personnel Team (PPT) (see page 11)
- Community service (with parental consent) (see page 11)
- Referral to a community-based organization (CBO) (see page 12)
- Referral for mental health support services (see page 12)
- Functional Behavioral Assessment (FBA)/ Behavioral Intervention Plan (BIP) (see page 20)
- Referral to counseling services for youth relationship abuse or sexual violence (see page 12)

Range of Possible Disciplinary Actions Responses*

- D. Parent conference
- E. In-school disciplinary ~~action~~ response (e.g., formal restorative conference, exclusion from extracurricular activities or communal lunchtime)
- F. Removal from classroom by teacher (subject to the requirement to impose a suspension at ~~five 5~~ or more (semester) or ~~four 4~~ or more (trimester) removals) (see pages 19 and 21)
- G. Principal’s suspension for ~~one to five 4-5~~ school days (see pages 19 and 21)
- H. Superintendent’s suspension that results in immediate reinstatement (see pages 19 and 21-22)
- I. Superintendent’s suspension that results in a ~~continued~~ suspension for a fixed period of ~~six to 6-10~~ school days (see pages 19 and 21-22)
- J. Superintendent’s suspension that results in a ~~an extended~~ suspension for ~~11–15 11-29~~ school days (see pages 19 and 21-22)
- K. Superintendent’s suspension that results in a ~~an extended~~ suspension for ~~16–20 30-59~~ school days (with automatic review at 30 days for suspensions of ~~39 days or longer~~) (see pages 19 and 21-22)
- ~~L. Superintendent’s suspension that results in an extended suspension for 60-90 school days with automatic review every 30 days.~~
- ~~M. Superintendent’s suspension that results in a one year suspension and assignment to an alternative program with and automatic review at 90 and 135 days~~

*NOTE: Further details about supports and interventions can be found on pages 11–20. Further details about disciplinary actions responses can be found on pages 20–23.

Student Intervention and DISCIPLINE CODE INFRACTIONS: GRADES 6–12, CONTINUED

Level 4 Infractions – Aggressive or Injurious/Harmful Behavior, Continued

Note: see list below for Range of Possible Disciplinary Actions D-N

- B40 Engaging in harassing, intimidating and/or bullying behavior, including using electronic communication to engage in such behavior (cyber-bullying) based on an individual's actual or perceived race, color, creed, religion, religious practices, ethnicity, national origin, citizenship/immigration status, gender, gender identity, gender expression, sexual orientation, disability or weight; such behavior includes, but is not limited to: physical violence; stalking; verbal, written, or physical conduct that threatens another with harm; seeking to coerce or compel a student or staff member to do something; hazing; taunting; exclusion from peer groups designed to humiliate or isolate; using derogatory language or making derogatory jokes or name calling to humiliate or harass (~~D-N~~ D-K; G-K only, where behavior involves physical violence)
- B41 Possessing controlled substances or prescription medications without appropriate authorization, illegal drugs, synthetic hallucinogens, drug paraphernalia, and/or alcohol (~~D-N~~ D-K)
- B42 Falsely activating a fire alarm or other disaster alarm (~~D-L~~ D-K)
- B43 Making a bomb threat (~~D-M~~ D-K)

Student Supports and Interventions may be used in tandem with ~~and~~ Accountability Responses to be Used in Tandem

Supports and Interventions

- Parent outreach (see page 11)
- Intervention by counseling staff (see page 11)
- Guidance conference(s) (see page 11)
- Restorative practices (see page 11; 13–14)
- Social Emotional Learning (see pages 12, 6–7)
- Positive Behavioral Interventions and Supports (PBIS) (see page 12)
- Individual/group counseling (see page 11)
- Individualized Support Plan (ISP) (see page 12)
- Collaborative problem solving (see page 11)
- Conflict resolution (see page 11)
- Peer mediation (see page 14)
- Mentoring program (see page 12)
- Formal restorative conference (see page 14)
- Development of individual behavior contract (see page 11)
- Short-term behavioral progress reports (see page 11)
- Referral to Pupil Personnel Team (PPT) (see page 11)
- Community service (with parental consent) (see page 11)
- Referral to a community-based organization (CBO) (see page 12)
- Referral for mental health support services (see page 12)
- Functional Behavioral Assessment (FBA)/ Behavioral Intervention Plan (BIP) (see page 20)
- Referral to counseling services for youth relationship abuse or sexual violence (see page 12)

Range of Possible Disciplinary Actions Responses*

- D. Parent conference
- E. In-school disciplinary ~~action~~ response (e.g., formal restorative conference, exclusion from extracurricular activities or communal lunchtime)
- F. Removal from classroom by teacher (subject to the requirement to impose a suspension at ~~five 5~~ or more (semester) or ~~four 4~~ or more (trimester) removals) (see pages 19 and 21)
- G. Principal's suspension for ~~one to five 4-5~~ school days (see pages 19 and 21)
- H. Superintendent's suspension that results in immediate reinstatement (see pages 19 and 21-22)
- I. Superintendent's suspension that results in a ~~continued~~ suspension for a fixed period of ~~six to 6-10~~ school days (see pages 19 and 21-22)
- J. Superintendent's suspension that results in a ~~an extended~~ suspension for ~~11-15 11-29~~ school days (see pages 19 and 21-22)
- K. Superintendent's suspension that results in a ~~an extended~~ suspension for ~~16-20 30-59~~ school days (with automatic review at 30 days for suspensions of 39 days or longer) (see pages 19 and 21-22)
- ~~L. Superintendent's suspension that results in an extended suspension for 60-90 school days with automatic review every 30 days.~~
- ~~M. Superintendent's suspension that results in a one year suspension and assignment to an alternative program with and automatic review at 90 and 135 days~~

*NOTE: Further details about supports and interventions can be found on pages 11–20. Further details about disciplinary actions responses can be found on pages 20–23.

Student Intervention and DISCIPLINE CODE INFRACTIONS: GRADES 6–12, CONTINUED

Level 4 Infractions – Aggressive or Injurious/Harmful Behavior, Continued

- B44 Taking or attempting to take property belonging to another or belonging to the school without authorization, without using force, or intimidating behavior. (~~D-L~~ D-K)
- B45 Creating a substantial risk of serious injury by either recklessly engaging in behavior, and/or using an object that appears capable of causing physical injury (e.g., lighter, belt buckle, umbrella, or laser pointer) (~~D-L~~ D-K)
- B46 Causing a serious injury by either recklessly engaging in behavior, and/or using an object that appears capable of causing physical injury (e.g., lighter, belt buckle, umbrella, or laser pointer) (G-N G-K)
- B47 Inciting/causing a riot (G-N G-K)
- B48 Possessing, displaying, or selling any weapon as defined in Category II. NOTE: Before requesting or imposing a suspension for possession of or displaying an article listed in Category II for which a purpose other than infliction of physical harm exists, e.g., a nail file, the principal must consider whether there are mitigating factors present. In addition, the principal must consider whether an imitation gun is realistic looking by considering factors such as its color, size, shape, appearance, and weight. (G-N G-K)
- B49 Using controlled substances or prescription medication without appropriate authorization, or using illegal drugs, synthetic hallucinogens, and/or alcohol. (~~D-L~~ D-K)

Student Supports and Interventions may be used in tandem with and Accountability Responses to be Used in Tandem

Supports and Interventions

- Parent outreach (see page 11)
- Intervention by counseling staff (see page 11)
- Guidance conference(s) (see page 11)
- Restorative practices (see page 11; 13–14)
- Social Emotional Learning (see pages 12, 6–7)
- Positive Behavioral Interventions and Supports (PBIS) (see page 12)
- Individual/group counseling (see page 11)
- Individualized Support Plan (ISP) (see page 12)
- Collaborative problem solving (see page 11)
- Conflict resolution (see page 11)
- Peer mediation (see page 14)
- Mentoring program (see page 12)
- Formal restorative conference (see page 14)
- Development of individual behavior contract (see page 11)
- Short-term behavioral progress reports (see page 11)
- Referral to Pupil Personnel Team (PPT) (see page 11)
- Community service (with parental consent) (see page 11)
- Referral to a community-based organization (CBO) (see page 12)
- Referral for mental health support services (see page 12)
- Functional Behavioral Assessment (FBA)/ Behavioral Intervention Plan (BIP) (see page 20)
- Referral to counseling services for youth relationship abuse or sexual violence (see page 12)

Range of Possible Disciplinary Actions Responses*

- D. Parent conference
- E. In-school disciplinary **action response** (e.g., formal restorative conference, exclusion from extracurricular activities or communal lunchtime)
- F. Removal from classroom by teacher (subject to the requirement to impose a suspension at **five 5** or more (semester) or **four 4** or more (trimester) removals) (see pages 19 and 21)
- G. Principal's suspension for **one to five 4-5** school days (see pages 19 and 21)
- H. Superintendent's suspension that results in immediate reinstatement (see pages 19 and 21-22)
- I. Superintendent's suspension that results in a **continued** suspension for a fixed period of **six to 6-10** school days (see pages 19 and 21-22)
- J. Superintendent's suspension that results in a **extended** suspension for **11–15 11-29** school days (see pages 19 and 21-22)
- K. Superintendent's suspension that results in a **extended** suspension for **16–20 30-59** school days (~~with automatic review at 30 days for suspensions of 39 days or longer~~) (see pages 19 and 21-22)
- ~~L. Superintendent's suspension that results in an extended suspension for 60-90 school days with automatic review every 30 days~~
- ~~M. Superintendent's suspension that results in a one year suspension and assignment to an alternative program with and automatic review at 90 and 135 days~~

*NOTE: Further details about **supports and interventions** can be found on **pages 11–20**. Further details about **disciplinary actions responses** can be found on **pages 20–23**.

Student Intervention and DISCIPLINE CODE INFRACTIONS: GRADES 6–12, CONTINUED

Level 5 Infractions – Seriously Dangerous or Violent Behavior

- B50 Starting a fire (~~I-Q D-L, G-L only, where behavior involves physical violence or intentional damage of school property or property belonging to another~~)
- B51 Threatening to use or using force to take or attempt to take property belonging to another (~~I-Q D-L, G-L only, where behavior involves physical violence~~)
- B52 Using force against, or inflicting, or attempting to inflict serious injury against school personnel or school safety agents (~~I-Q G-L only for using force, I-L only, for inflicting serious injury~~)
- B53 Using extreme force against or inflicting or attempting to inflict serious injury upon students or others (~~I-Q G-L~~)
- B54 Planning, instigating, or participating with another or others, in an incident of group violence (~~I-Q D-L, G-L only, for the student(s) who commit physical violence~~)
- B55 Engaging in threatening, dangerous, or violent behavior that is gang-related NOTE: In determining whether the behavior is gang-related, school officials may consult with the Office of Safety and Youth Development's Gang Unit. (~~I-Q I-L, G-L only, where behavior involves physical violence~~)
- B56 Engaging in physical sexual aggression/compelling or forcing another to engage in sexual activity (~~I-Q I-L~~)
- B57 Selling or distributing illegal drugs or controlled substances and/or alcohol (~~I-Q G-L~~)
- B58 Possessing or selling any weapon, other than a firearm, bomb, or other explosive, as defined in Category I (~~I-Q G-L~~)

Student Supports and Interventions may be used in tandem with and Accountability Responses to be Used in Tandem

Supports and Interventions

- Parent outreach (see page 11)
- Intervention by counseling staff (see page 11)
- Guidance conference(s) (see page 11)
- Restorative practices (see page 11; 13–14)
- Social Emotional Learning (see pages 12, 6–7)
- Positive Behavioral Interventions and Supports (PBIS) (see page 12)
- Individual/group counseling (see page 11)
- Individualized Support Plan (ISP) (see page 12)
- Collaborative problem solving (see page 11)
- Conflict resolution (see page 11)
- Peer mediation (see page 14)
- Mentoring program (see page 12)
- Formal restorative conference (see page 14)
- Development of individual behavior contract (see page 11)
- Short-term behavioral progress reports (see page 11)
- Referral to Pupil Personnel Team (PPT) (see page 11)
- Community service (with parental consent) (see page 11)
- Referral to a community-based organization (CBO) (see page 12)
- Referral for mental health support services (see page 12)
- Functional Behavioral Assessment (FBA)/ Behavioral Intervention Plan (BIP) (see page 20)
- Referral to counseling services for youth relationship abuse or sexual violence (see page 12)
- Referral to counseling services for bullying, intimidation or harassment (see page 11)
- Referral to appropriate substance abuse counseling service (see page 12)

Range of Possible Disciplinary Actions Responses*

- D. Parent conference
- E. In-school disciplinary response (e.g., formal restorative conference, exclusion from extracurricular activities or communal lunchtime)
- F. Removal from classroom by teacher (subject to the requirement to impose a suspension at five 5 or more (semester) or four 4 or more (trimester) removals) (see pages 19 and 21)
- G. Principal's suspension for one to five 4-5 school days (see pages 19 and 21)
- H. Superintendent's suspension that results in immediate reinstatement (see pages 19 and 21-22)
- I. Superintendent's suspension that results in a ~~continued~~ suspension for a fixed period of six to 6-10 school days (see pages 19 and 21-22)
- J. Superintendent's suspension that results in a ~~an extended~~ suspension for 11–15 11-20 school days (see pages 19 and 21-22)
- K. Superintendent's suspension that results in a ~~an extended~~ suspension for 16–20 30-50 school days (with automatic review at 30 days for suspensions of 30 days or longer) (see pages 19 and 21-22)
- L. ~~Superintendent's suspension that results in an extended suspension for 60-90 school days with automatic review every 30 days.~~ For cases when there are circumstances* or when law dictates suspensions for 21 school days or more, please see page 23 regarding Superintendent's suspension
- M. ~~Superintendent's suspension that results in a one-year suspension and assignment to an alternative program with and automatic review at 90 and 135 days~~
- N. ~~Superintendent's suspension that results in a one-year suspension and assignment to an alternative without the opportunity for early reinstatement.~~
- O. ~~Expulsion (only for general education students who turned 17 prior to the beginning of the school year which is July 1~~

*NOTE: Further details about supports and interventions can be found on pages 11–20. Further details about disciplinary actions responses and circumstances can be found on pages 20–23.

Student Intervention and DISCIPLINE CODE INFRACTIONS: GRADES 6–12, CONTINUED

Level 5 Infractions – Seriously Dangerous or Violent Behavior, Continued

- B59 Using any weapon as defined in Category II to threaten or to attempt to inflict injury upon school personnel, students, or others (~~I-Q~~ H-L)
- B60 Using any weapon, other than a firearm, bomb or other explosive, as defined in Category I, to threaten or to attempt to inflict injury upon school personnel, students, or others (~~I-Q~~ H-L)
- B61 Using any weapon, other than a firearm, bomb, or other explosive, as defined in Category I or II, to inflict injury upon school personnel, students, or others (~~I-Q~~ H-L)
- B62 Possessing or using a firearm, ~~or~~ bomb, or other explosive, as defined in Category I (~~M-Q~~ L)

Note: For B62, the ~~The Chief Executive Officer~~ Senior Executive Director of the Office of Safety and Youth Development or other designee of the Chancellor or the Community Superintendent may modify the suspension, in writing, on a case-by-case basis.

Student Supports and Interventions may be used in tandem with ~~and~~ Accountability Responses ~~to be Used in Tandem~~

Supports and Interventions

- Parent outreach (see page 11)
- Intervention by counseling staff (see page 11)
- Guidance conference(s) (see page 11)
- Restorative practices (see page 11; 13–14)
- Social Emotional Learning (see pages 12, 6–7)
- Positive Behavioral Interventions and Supports (PBIS) (see page 12)
- Individual/group counseling (see page 11)
- Individualized Support Plan (ISP) (see page 12)
- Collaborative problem solving (see page 11)
- Conflict resolution (see page 11)
- Peer mediation (see page 14)
- Mentoring program (see page 12)
- Formal restorative conference (see page 14)
- Development of individual behavior contract (see page 11)
- Short-term behavioral progress reports (see page 11)
- Referral to Pupil Personnel Team (PPT) (see page 11)
- Community service (with parental consent) (see page 11)
- Referral to a community-based organization (CBO) (see page 12)
- Referral for mental health support services (see page 12)
- Functional Behavioral Assessment (FBA)/ Behavioral Intervention Plan (BIP) (see page 20)
- Referral to counseling services for youth relationship abuse or sexual violence (see page 12)
- Referral to counseling services for bullying, intimidation or harassment (see page 11)

- Referral to appropriate substance abuse counseling service (see page 12)

Range of Possible Disciplinary ~~Actions Responses~~*

- H. Superintendent's suspension that results in immediate reinstatement (see pages 19 and 21-22)
- I. Superintendent's suspension that results in a ~~continued~~ suspension for a fixed period of six to 6-10 school days (see pages 19 and 21-22)
- J. Superintendent's suspension that results in an ~~extended~~ suspension for 11–15 ~~11-29~~ school days (see pages 19 and 21-22)
- K. Superintendent's suspension that results in an ~~extended~~ suspension for 16–20 ~~30-59~~ school days (with automatic review at 30 days for suspensions of 39 days or longer) (see pages 19 and 21-22)
- L. Superintendent's suspension that results in an ~~extended~~ suspension for 60-90 school days with automatic review every 30 days. For cases when there are circumstances* or when law dictates suspensions for 21 school days or more, please see page 23 regarding Superintendent's suspension
- ~~M. Superintendent's suspension that results in a one year suspension and assignment to an alternative program with and automatic review at 90 and 135 days~~
- ~~N. Superintendent's suspension that results in a one year suspension and assignment to an alternative without the opportunity for early reinstatement.~~
- ~~O. Expulsion (only for general education students who turned 17 prior to the beginning of the school year which is July 4~~

***NOTE:** Further details about **supports and interventions** can be found on **pages 11–20**. Further details about **disciplinary ~~actions responses and circumstances~~** can be found on **pages 20–23**.

As student dignity, respect, and responsible behavior are integral to safe and supportive schools, we would move this “K-12 Student Bill of Rights and Responsibilities” section (p. 38-41) to an earlier section, specifically after the “Promoting Positive Student Behavior” section (currently on p. 6-7).

K-12 STUDENT BILL OF STUDENT RIGHTS AND RESPONSIBILITIES, K-12

Preamble

New York City public schools seek to cultivate a sense of mutual respect among students, parents and staff. City schools also aim to involve students in activities and programs, within and outside the school community, that stress a commitment to civic responsibility and community service. With the cooperation of all members of our school communities, students can reach educational excellence while enjoying a rich learning experience. This document serves as a guide for students as they strive to become productive citizens in a diverse society.

I. THE RIGHT TO A FREE, PUBLIC SCHOOL EDUCATION

The right to a free, public school education is a basic “student right” guaranteed to all children.

Students have a right to:

1. attend school and receive a free, public school education from kindergarten to age 21 or receipt of a high school diploma, whichever comes first, as provided by law; students who have been determined to be **English Multiple** Language Learners are entitled to bilingual education or English as a second language program as provided by law; students with disabilities who have been determined to be in need of special education are entitled to a free, appropriate, public education from age 3 until age 21, as provided by law;
2. be in a safe and supportive learning environment, free from discrimination, harassment, bullying, and bigotry, and to file a complaint if they feel that they are subject to this behavior (see Chancellor’s Regulations A-830, A-831, A-832, A-420, and A-421);
3. receive courtesy and respect from others regardless of actual or perceived age, race, creed, color, gender, gender identity (including the right of students to use bathrooms and locker rooms in accordance with their gender identity and to be addressed by the name and pronouns consistent with their gender identity) gender expression, religion, national origin, citizenship/immigration status, weight, sexual orientation, physical and/or emotional condition, disability, marital status, and political beliefs;
4. receive a written copy of the school’s policies and procedures, including the Citywide Behavioral Expectations for Supporting Student Learning (including the Discipline Code)-and the New York City Department of Education **Student** Bill of **Student** Rights and Responsibilities, early in the school year or upon admission to the school during the school year;
5. be informed about diploma requirements, including courses and examinations and information on assistance to meet those requirements;
6. be informed about required health, cognitive, and language screening examinations;
7. be informed about courses and programs that are available in the school and the opportunity to have input in the selection of elective courses;
8. receive professional instruction;
9. know the grading criteria for each subject area and/or course offered by the school and to receive grades for **schoolwork** completed based on established criteria;
10. be informed of educational progress and receive periodic evaluations both informally and through formal progress reports;
11. be notified in a timely manner of the possibility of being held over in the grade or of failing a course;
12. be notified of the right of appeal regarding holdover or failing grades;
13. confidentiality in the handling of student records maintained by the school system;
14. request or by parental request to have their contact information withheld from institutions of higher learning and/or military recruiters; (To protect the rights of students and parents to determine how student information is released to the military, schools that administer the ASVAB will not release student scores to military recruiters unless both the parent and the student provide written consent.)
15. receive guidance, counseling, and advice for personal, social, educational, career and vocational development.

K–12 STUDENT BILL OF RIGHTS AND RESPONSIBILITIES, CONTINUED

II. THE RIGHT TO FREEDOM OF EXPRESSION AND PERSON

All students are guaranteed the right to express opinions, support causes, organize and assemble to discuss issues and demonstrate peacefully and responsibly in support of them, in accordance with policies and procedures established by the New York City Department of Education. **Students have the right to:**

1. organize, promote, and participate in a representative form of student government;
2. organize, promote, and participate in student organizations, social and educational clubs or teams and political, religious, and philosophical groups consistent with the requirements of the Equal Access Act;
3. representation on appropriate **schoolwide** committees that influence the educational process, with voting rights where applicable;
4. publish school newspapers and school newsletters reflecting the life of the school and expressing student concerns and points of view consistent with responsible journalistic methods and subject to reasonable regulations based on legitimate pedagogical concerns;
5. circulate, including through electronic circulation, newspapers, literature, or political leaflets on school property, subject to reasonable guidelines established by the school regarding time, place and manner of distribution, except where such material is libelous, obscene, commercial, or materially disrupts the school, causes substantial disorder, or invades the rights of others;
6. wear political or other types of buttons, badges, or armbands, except where such material is libelous, obscene or materially disrupts the school, causes substantial disorder, or invades the rights of others;
7. post bulletin board notices within the school or on the school website subject to reasonable guidelines established by the school, except where such notices are libelous, obscene, commercial or materially disrupt the school, cause substantial disorder, or invade the rights of others;
8. determine their own dress within the parameters of the **NYCDOE Department of Education** policy on school uniforms and consistent with religious expression, except where such dress is dangerous or interferes with the learning and teaching process;
9. be secure in their persons and belongings and to carry in the school building personal possessions which are appropriate for use on the premises;
10. be free from unreasonable or indiscriminate searches, including body searches;
11. be free from corporal punishment and verbal abuse (as per Chancellor’s Regulations A-420 and A-421);
12. decline to participate in the Pledge of Allegiance or stand for the pledge.

III. THE RIGHT TO DUE PROCESS

Every student has the right to be treated fairly in accordance with the rights set forth in this document. **Students have the right to:**

1. be provided with the Discipline Code and rules and regulations of the school;
2. know what is appropriate behavior and what behaviors may result in disciplinary **actions responses**;
3. be counseled by members of the professional staff in matters related to their behavior as it affects their education and welfare in the school;
4. know possible dispositions and outcomes for specific offenses;
5. due process with respect to disciplinary **action responses** for alleged violations of school regulations for which they may be suspended or removed from class by their teachers; students with disabilities, or who are “presumed to have a disability” have the right to certain protections under IDEA;
6. due process of law in instances of disciplinary **action responses** for alleged violations of school regulations for which they may be suspended or removed from class by their teachers; students with disabilities, or who are “presumed to have a disability” have the right to certain protections under IDEA.
7. know the procedures for appealing the actions and decisions of school officials with respect to their rights and responsibilities as set forth in this document;
8. be accompanied by a parent and/or representative at conferences and hearings;
9. the presence of school staff in situations where there may be police involvement.

K-12 STUDENT BILL OF RIGHTS AND RESPONSIBILITIES, CONTINUED

IV. ADDITIONAL RIGHTS OF STUDENTS AGE 18 AND OVER:

The federal Family Educational Rights and Privacy Act (“FERPA”) gives students who have reached 18 years of age certain rights with respect to the student’s education records.

Students age 18 and over have the right to request, inspect, and review their own education records within 45 days of the day the New York City Department of Education receives the student’s request, in accordance with the procedures set forth in Chancellor’s Regulation A-820.

Students age 18 and over have the right to request that their own education records be changed when they believe they are inaccurate, misleading, or otherwise in violation of their privacy rights under FERPA, in accordance with the procedures set forth in Chancellor’s Regulation A-820.

Students age 18 and over have the right to provide written consent before personally identifiable information in their own education records is disclosed, except in certain cases when FERPA allows disclosure without consent, including the following:

- Disclosure to a school official who needs to review an education record in order to fulfill his or her professional responsibility. Examples of school officials include people employed by the New York City Department of Education (such as administrators, supervisors, teachers, other instructors, or support staff members), as well as people whom the New York City Department of Education has engaged to perform services or functions it would otherwise use its own employees to perform (such as agents, contractors, and consultants), and who are under the direct control of the New York City Department of Education with respect to the use and maintenance of personally identifiable information from education records.
- Disclosure, upon request, to officials of another school district in which a student is trying to enroll or plans to enroll, or is already enrolled if the disclosure is for purposes of the student’s enrollment or transfer.
- Other exceptions that permit disclosure of personally identifiable information without consent include certain types of disclosures (1) to authorized representatives of government entities and officials in connection with audits, evaluations, or certain other activities, (2) in connection with financial aid for which the student has applied or which the student has received, (3) to organizations conducting studies for, or on behalf of, the New York City Department of Education, (4) to accrediting organizations to carry out their accrediting functions, (5) to parents of students age 18 and over if the student is a dependent for IRS tax purposes, (6) to comply with a judicial order or lawfully issued subpoena, (7) to appropriate officials in connection with a health or safety emergency and (8) of information that the New York City Department of Education has designated as “directory information.” Most of these types of disclosures are subject to certain additional requirements and limitations. Please see FERPA and Chancellor’s Regulation A-820 for more information about them.

Students age 18 and over have the right to inspect and review the record of disclosures that FERPA requires schools to keep when making disclosures of personally identifiable information without consent. However, schools are not required to record disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosure to parents or to students age 18 and over.

Students age 18 and over have the right to file a complaint with the **US U.S.** Department of Education if they feel that the New York City Department of Education has failed to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

Family Policy Compliance Office
US U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-~~852~~ 5920
Phone: 1-800-USA-LEARN (1-800-872-5327)

K-12 STUDENT BILL OF RIGHTS AND RESPONSIBILITIES, CONTINUED

V. STUDENT RESPONSIBILITIES

Responsible behavior by each student is the only way in which the rights set forth in this document can be preserved. Violation of some of these responsibilities may lead, in accordance with the Discipline Code, to disciplinary measures. Full acceptance of responsibility with the exercise of rights will provide students with greater opportunity to serve themselves and society. Students have a responsibility to:

1. attend school regularly and punctually and make every effort to achieve in all areas of their education;
2. be prepared for class with appropriate materials and properly maintain textbooks and other school equipment;
3. follow school regulations regarding entering and leaving the classroom and school building;
4. help maintain a school environment free of weapons, illegal drugs, controlled substances, and alcohol;
5. behave in a manner that contributes to a safe learning environment and which does not violate other students' right to learn;
6. share information with school officials regarding matters which may endanger the health and welfare of members of the school community;
7. respect the dignity and equality of others and refrain from conduct which denies or impinges on the rights of others;
8. show respect for school property and respect the property of others, both private and public;
9. be polite, courteous, and respectful toward others regardless of actual or perceived age, race, creed, color, gender, gender identity, gender expression, religion, national origin, weight, citizenship/immigration status, sexual orientation, physical and/or emotional condition, disability, marital status, and political beliefs, and refrain from making slurs based on these criteria;
10. behave in a polite, truthful, and cooperative manner toward students and school staff;
11. promote good human relations and build bridges of understanding among the members of the school community;
12. use non-confrontational methods to resolve conflicts;
13. participate and vote in student government elections;
14. provide positive leadership by making student government a meaningful forum to encourage maximum involvement;
15. work with school staff in developing broad extracurricular programs in order to represent the range of physical, social, and cultural interests and needs of students;
16. observe ethical codes of responsible journalism;
17. refrain from obscene and defamatory communication in speech, writing, and other modes of expression, including electronic expression, in their interactions with the school community;
18. express themselves in speech, writing, and other modes of expression, including electronic expression in a manner which promotes cooperation and does not interfere with the educational process;
19. assemble in a peaceful manner and respect the decision of students who do not wish to participate;
20. bring to school only those personal possessions which are safe and do not interfere with the learning environment;
21. adhere to the guidelines established for dress and activities in the school gymnasium, physical education classes, laboratories, and shops;
22. be familiar with the school Discipline Code and abide by school rules and regulations;
23. provide leadership to encourage fellow students to follow established school policies and practices;
24. keep parents informed of school-related matters, including progress in school, social and educational events, and ensure that parents receive communications that are provided by school staff to students for transmittal to their parents.